

EXHIBIT 15

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----X

5 SANDRA GUZMAN,

6 Plaintiff,

NO. 09 CIV. 9323 (BSJ) (RLE)

7 VS.

8 NEWS CORPORATION, NYP
9 HOLDINGS, INC., d/b/a THE
10 NEW YORK POST, and COL ALLAN,
11 in his official and individual
12 Capacities,

13 Defendants.
14 -----X

15 **REVISED**

16 VIDEOTAPED DEPOSITION

17 OF

18 SANDRA GUZMAN

19 New York, New York

20 Thursday, October 13, 2011
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22
23
24
25

Reported by:

AYLETTE GONZALEZ, CLR

JOB NO. 42950

<p style="text-align: right;">Page 106</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. My attorneys kept insisting,</p> <p>3 Sandra, have you given us everything.</p> <p>4 MR. THOMPSON: Objection. Do not</p> <p>5 disclose anything that we have said to</p> <p>6 you, Ms. Guzman. It's protected by</p> <p>7 the attorney/client privilege; okay?</p> <p>8 A. Can you please rephrase the</p> <p>9 question?</p> <p>10 Q. My question was: What caused you</p> <p>11 yesterday to have that thought, and your</p> <p>12 answer was it was a conversation with your</p> <p>13 attorneys.</p> <p>14 A. Um-hum.</p> <p>15 Q. Is that correct?</p> <p>16 MR. THOMPSON: I'm sorry, you have</p> <p>17 to answer verbally at all times.</p> <p>18 A. Yes.</p> <p>19 Q. But so the record is clear, your</p> <p>20 attorneys had been pressing you to make sure</p> <p>21 you had disclosed everything all along, right?</p> <p>22 A. My attorneys had been telling me to</p> <p>23 keep searching all along.</p> <p>24 Q. Yesterday wasn't the first time</p> <p>25 they brought it up, right?</p>	<p style="text-align: right;">Page 107</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. No, they kept --</p> <p>3 Q. Do any of the 13 notebooks cover</p> <p>4 the conversations that were in the -- that</p> <p>5 were going on during the morning editorial</p> <p>6 staff meeting at The Post?</p> <p>7 A. I'm not sure.</p> <p>8 Q. All right.</p> <p>9 You've seen already today an</p> <p>10 exhibit marked Guzman Exhibit 7, which does</p> <p>11 reflect notes that you took during those</p> <p>12 meetings, right?</p> <p>13 A. Yes.</p> <p>14 Q. And as you sit here now, you don't</p> <p>15 know if the notebooks that hadn't been</p> <p>16 produced yet also contain things that you</p> <p>17 heard during those meetings?</p> <p>18 A. I'm not sure.</p> <p>19 Q. You attended those meetings for</p> <p>20 about two years, right?</p> <p>21 A. 2003 till about 2000 -- yeah.</p> <p>22 Q. Approximately the end of '05?</p> <p>23 A. Um-hum.</p> <p>24 MR. THOMPSON: Answer verbally,</p> <p>25 Ms. Guzman.</p>
<p style="text-align: right;">Page 108</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Yes.</p> <p>3 Q. And did you attend them every day?</p> <p>4 A. Yes.</p> <p>5 Q. Did you work on a Monday through</p> <p>6 Friday schedule?</p> <p>7 A. Technically, yes, but as a</p> <p>8 journalist, sometimes I had to come in on</p> <p>9 Saturdays and Sundays if I had an interview.</p> <p>10 Q. And what was the purpose of those</p> <p>11 meetings?</p> <p>12 A. To discuss the daily news rundown.</p> <p>13 Q. What were the meetings called? Was</p> <p>14 there a name for them?</p> <p>15 A. Our news meetings.</p> <p>16 Q. News meetings.</p> <p>17 A. Um-hum. Morning meeting, afternoon</p> <p>18 meeting.</p> <p>19 Q. And how many people attended those</p> <p>20 meetings?</p> <p>21 A. There was a representative editor</p> <p>22 from each of the sections of the newspaper.</p> <p>23 Q. Roughly how many people were</p> <p>24 present?</p> <p>25 A. So about anywhere from 15 to 20.</p>	<p style="text-align: right;">Page 109</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. There was a free-flow of news story</p> <p>3 ideas exchanged during those meetings, right?</p> <p>4 A. Yes.</p> <p>5 Q. People were encouraged to speak</p> <p>6 candidly; is that correct?</p> <p>7 A. People were encouraged to talk</p> <p>8 about their stories.</p> <p>9 Q. And were people encouraged to</p> <p>10 express their opinion about the stories that</p> <p>11 were being discussed?</p> <p>12 A. They were encouraged to sell the</p> <p>13 story to make it a compelling case for making</p> <p>14 sure that the story appeared in the next day's</p> <p>15 paper.</p> <p>16 Q. And who were they selling it to?</p> <p>17 A. The editor, Col Allan.</p> <p>18 Q. And would people comment on the</p> <p>19 different news stories as they were presented</p> <p>20 by the editors?</p> <p>21 A. People would comment, but mostly</p> <p>22 the stories were presented to Mr. Allan and he</p> <p>23 would be the one doing most of the commenting</p> <p>24 either accepting the story, denying the story</p> <p>25 or commenting on whatever his opinion was on</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 the story.</p> <p>3 Q. And The Post publishes stories</p> <p>4 about -- well, withdrawn.</p> <p>5 The Post is a tabloid newspaper,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. It publishes stories about crime,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Celebrities?</p> <p>12 A. Yes.</p> <p>13 Q. News and business, right?</p> <p>14 A. Yes.</p> <p>15 Q. Some of the stories that it</p> <p>16 publishes are stories that have -- can have</p> <p>17 sensational aspects to them, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And these were editorial meetings</p> <p>20 to decide what to publish, what angles to</p> <p>21 pursue about these stories, correct?</p> <p>22 A. Yes.</p> <p>23 Q. It was necessary for people to</p> <p>24 express their ideas about the stories</p> <p>25 candidly, correct?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Yes.</p> <p>3 Q. Do you know derogatory words for --</p> <p>4 that have been used for Hispanic Americans?</p> <p>5 A. Yes.</p> <p>6 Q. Did you ever hear anybody called a</p> <p>7 derogatory word that's used for Hispanic</p> <p>8 Americans used during those editorial</p> <p>9 meetings?</p> <p>10 A. Yes.</p> <p>11 Q. What did you hear?</p> <p>12 A. So, for instance, there's a story</p> <p>13 here.</p> <p>14 MR. THOMPSON: Let the record</p> <p>15 reflect the witness is talking about</p> <p>16 Guzman Exhibit 7.</p> <p>17 A. On Pedro Martinez who was a major</p> <p>18 league pitcher, an ace pitcher. And he was --</p> <p>19 they made -- the sports editor talked about</p> <p>20 Pedro potentially getting surgery. And the</p> <p>21 editor said if there are any crimes in New</p> <p>22 York City, check them out, it might be Pedro;</p> <p>23 referring to Pedro Martinez as a criminal.</p> <p>24 Q. Well, I asked you if you were aware</p> <p>25 of derogatory names for that had been used for</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Hispanics.</p> <p>3 A. Well.</p> <p>4 Q. I didn't hear that in your answer,</p> <p>5 and I'm going to move to strike the answer.</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 Q. My question is, for example, did</p> <p>8 you ever hear the term "spic", S-P-I-C used in</p> <p>9 these meetings?</p> <p>10 A. No, I use -- when you equate a</p> <p>11 major league baseball player to a criminal, if</p> <p>12 the story had been about Andy Pettitte.</p> <p>13 Q. What page were you looking at?</p> <p>14 A. I was looking at page 347. You</p> <p>15 asked me if I heard the word, "spic". No.</p> <p>16 Q. What is offensive to you about --</p> <p>17 MR. THOMPSON: She wasn't</p> <p>18 finished.</p> <p>19 A. If you equate a Hispanic ballplayer</p> <p>20 who's going to probably be inducted into the</p> <p>21 Baseball Hall of Fame as a criminal, to me,</p> <p>22 that is discrimination.</p> <p>23 Q. Okay.</p> <p>24 If that had been said about Andy</p> <p>25 Pettitte, as you just brought up a moment ago,</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 would that be discrimination against white</p> <p>3 males?</p> <p>4 A. I would not have considered that</p> <p>5 discrimination against white males.</p> <p>6 Q. And if it had been said against --</p> <p>7 if it would have been said about a person of</p> <p>8 Chinese ancestry, would you consider that</p> <p>9 discrimination against a Chinese person?</p> <p>10 A. Yes. There's actually -- when you</p> <p>11 mentioned Chinese, there's a reference to a --</p> <p>12 Q. Ms. Guzman, the question is would</p> <p>13 you have considered that discrimination</p> <p>14 against a Chinese person.</p> <p>15 A. Yes.</p> <p>16 Q. You would have.</p> <p>17 Is there -- did Mr. Allan, when he</p> <p>18 made that remark, mention Pedro Martinez's</p> <p>19 Latin American heritage?</p> <p>20 A. No, but he's referring to Pedro</p> <p>21 Martinez whose Latino, who is Dominican.</p> <p>22 Q. So, the fact that Pedro Martin is</p> <p>23 Latino, made you think that the comment by Col</p> <p>24 Allan must have been made because he is</p> <p>25 Latino?</p>

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1 SANDRA GUZMAN-10/13/11
 2 A. Yes.
 3 Q. Just the fact that Pedro is Latino
 4 makes you think that?
 5 A. Yes. It wasn't the first time.
 6 Q. What?
 7 MR. THOMPSON: She's not finished.
 8 A. It's not the first time he referred
 9 to Pedro as a criminal at these morning
 10 meetings.
 11 Q. Well, maybe Mr. Allan thinks
 12 Mr. Pedro Martinez has aspects of his public
 13 personality that have -- that are -- that open
 14 him up to that criticism.
 15 A. Well, I think --
 16 Q. Could that be true?
 17 A. I think that I considered that a
 18 discriminatory remark and it wasn't the first
 19 time that Mr. Allan was referring to a major
 20 league baseball player as a criminal.
 21 On one occasion after I had secured
 22 an exclusive interview with Mr. Martinez, he
 23 asked me how it was. And I said it was great.
 24 He said, did he have a machete or a gun. And
 25 when you talk about machetes and switchblades

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1 SANDRA GUZMAN-10/13/11
 2 A. No.
 3 Q. Did understand -- did you know
 4 Pedro Martinez was reported in that incident
 5 to have made a hand gesture of a gun with a
 6 trigger finger with his hand when he did that?
 7 Did you know that?
 8 A. No.
 9 Q. You didn't know that was reported?
 10 You interviewed Mr. Martinez two
 11 months after that happened, and you didn't you
 12 didn't -- you didn't Google Mr. Martinez and
 13 see what was recently -- had recently been
 14 written about him? No?
 15 A. I'm sorry, what are you showing me?
 16 Q. There's a question pending.
 17 You didn't Google Mr. Martinez
 18 before you interviewed him to see what had
 19 been recently written about him?
 20 A. I researched.
 21 Q. Maybe your research would have
 22 turned up Exhibit 11.
 23 (Defendant's Guzman Exhibit 11,
 24 New York Times article, dated
 25 February 23, 2005, marked for

1 SANDRA GUZMAN-10/13/11
 2 and Latinos, these are heavily charged,
 3 racially tinged discriminatory code words.
 4 So, I thought it was discriminatory.
 5 Q. Did you ever hear Mr. Allan say
 6 this remark about any other Latino person?
 7 I'm going to remind you, you're
 8 under oath.
 9 A. Have I ever heard Mr. Allan say any
 10 other remark about any other Latino equating a
 11 Latino to a criminal?
 12 Q. Yes.
 13 A. No, but he has said that all
 14 Latinos look alike.
 15 Q. The answer is no, you haven't heard
 16 Mr. Allan equate any other Latino besides
 17 Pedro Martinez to a criminal, right?
 18 A. No.
 19 Q. And did you know that a few -- a
 20 couple of months before you published your
 21 interview of Pedro Martinez, Pedro Martinez
 22 famously told a reporter that he'd blow the
 23 reporter's head off for his catcher Mike
 24 Piazza?
 25 Did you know that?

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1 SANDRA GUZMAN-10/13/11
 2 identification, as of this date.)
 3 Q. Can you take a look at that,
 4 please.
 5 MR. THOMPSON: Can you give us
 6 extra copies for my associate?
 7 Mr. Lerner, have you produced this
 8 document to us? There's no Bates
 9 number on it.
 10 MR. LERNER: No, we haven't. It's
 11 because we just found it on the
 12 internet.
 13 MR. THOMPSON: Okay. Take your
 14 time and review it since they haven't
 15 produced this document.
 16 Let the record reflect that that
 17 document Mr. Lerner has put before
 18 Ms. Guzman is dated October 11, 2011.
 19 He maintains he just found it on the
 20 internet, but this document was
 21 printed days ago.
 22 Let the record reflect they have
 23 not turned this over until 30 seconds
 24 ago when they showed it to Ms. Guzman
 25 for the very first time. And as her

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 attorney, we have never seen this</p> <p>3 document. It has not been produced to</p> <p>4 us despite the fact that the</p> <p>5 Defendants have had this document for</p> <p>6 days.</p> <p>7 Q. Were you aware, Ms. Guzman, in 2005</p> <p>8 of this incident?</p> <p>9 A. No.</p> <p>10 Q. Is there any other comment that you</p> <p>11 have any personal knowledge of Mr. Allan</p> <p>12 making that references -- references, anything</p> <p>13 derogatory toward Hispanics?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. I had said earlier that he was</p> <p>17 looking up protestors who were protesting a</p> <p>18 racist monkey cartoon outside the offices of</p> <p>19 the New York Post.</p> <p>20 Q. No. I asked if you had heard</p> <p>21 Mr. Allan say anything.</p> <p>22 You already testified to that and</p> <p>23 you did not hear him say that, correct?</p> <p>24 A. I did not hear him say that,</p> <p>25 correct.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. You were told about that remark by</p> <p>3 another individual, correct?</p> <p>4 A. Correct.</p> <p>5 Q. So, my question is: Is there</p> <p>6 anything that you personally heard Mr. Allan</p> <p>7 say that is -- that was a derogatory comment</p> <p>8 about Hispanics?</p> <p>9 A. Sure. So, on page 348 of the</p> <p>10 Exhibit 7, there was a story about a man named</p> <p>11 Juan Rodriguez who was on the move. "He had</p> <p>12 checked out of his hotel. He moved to the</p> <p>13 Sheraton on Seven Avenue, where there,</p> <p>14 housekeeper at last night's hotel says she's</p> <p>15 pissed that he stayed for two weeks and left</p> <p>16 no tip. This is a man who apparently had won</p> <p>17 the lotto."</p> <p>18 The reporter was checking in with</p> <p>19 cops about priors and domestic abuse</p> <p>20 complaints and Col Allan said, we got one of</p> <p>21 those in here, and they all probably look</p> <p>22 alike. And to me --</p> <p>23 Q. They all -- I'm sorry, I don't</p> <p>24 think you read that.</p> <p>25 A. And they probably look alike. We</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 got one of those here and they probably look</p> <p>3 alike is what Mr. Allan said about the another</p> <p>4 man who works in the office who happens to be</p> <p>5 Hispanic, who happens to have the same name.</p> <p>6 He is saying that all Hispanics</p> <p>7 look alike, and I found that offensive. I</p> <p>8 thought that was discriminatory to equate all</p> <p>9 Hispanics as people who look alike.</p> <p>10 Q. Did you ask him what he meant by</p> <p>11 that?</p> <p>12 A. No.</p> <p>13 Q. Did you tell him that you were</p> <p>14 offended by that?</p> <p>15 A. No.</p> <p>16 Q. Do you know if this is a story</p> <p>17 about somebody who spent two weeks in a hotel</p> <p>18 and left no tip, right?</p> <p>19 A. Um-hum.</p> <p>20 Q. And Col Allan says, "We got one of</p> <p>21 those in here," right?</p> <p>22 A. "We got one of those."</p> <p>23 Q. Do you know -- is it possible that</p> <p>24 Col Allan --</p> <p>25 A. We got one of those people.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. -- is referring to --</p> <p>3 A. He was referring to Juan Rodriguez</p> <p>4 that works at The Post.</p> <p>5 Q. Well, is it possible he was</p> <p>6 referring to people who don't tip?</p> <p>7 A. He was referring to Juan Rodriguez</p> <p>8 who works at The Post and he was saying they</p> <p>9 all look alike.</p> <p>10 Q. Well did he say -- have you ever</p> <p>11 heard somebody -- have you ever heard a white</p> <p>12 person before say that all Latino people look</p> <p>13 alike?</p> <p>14 A. Yes.</p> <p>15 Q. Is that something you've heard?</p> <p>16 A. Yes, I have.</p> <p>17 Q. And where have you heard that?</p> <p>18 A. In the -- in the news right here in</p> <p>19 the news meeting.</p> <p>20 Q. No, I mean other than in this</p> <p>21 incident you're describing. Is that something</p> <p>22 that is -- that you've heard as a derogatory</p> <p>23 comment about Hispanic Americans?</p> <p>24 A. Yes.</p> <p>25 Q. When have you heard that?</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I've heard that throughout the</p> <p>3 years. Do you realize that Hispanic Americans</p> <p>4 can be black Americans and do you realize that</p> <p>5 that's one of the ways in which we have been</p> <p>6 demeaned and we have been made fun of and</p> <p>7 discriminated against by saying we all look</p> <p>8 alike?</p> <p>9 Q. Do you think that Mr. Allan was</p> <p>10 referring to Mr. Martinez as Latin American or</p> <p>11 a black American?</p> <p>12 MR. THOMPSON: Do you mean</p> <p>13 Martinez or Rodriguez? Martinez and</p> <p>14 Rodriguez are not the same.</p> <p>15 Q. Rodriguez.</p> <p>16 A. Juan Rodriguez happens to be a</p> <p>17 black Latino, a dark-skinned Latino.</p> <p>18 Q. And you didn't say anything to</p> <p>19 Mr. Allan when he said that?</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 A. No.</p> <p>22 Q. How do you know he was referring to</p> <p>23 the Juan Rodriguez that works at The Post?</p> <p>24 A. When the story was read by the news</p> <p>25 editor, he said -- the editor started reading,</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Juan Rodriguez is on the move. And as soon as</p> <p>3 he finished he says, hey, we got one of those</p> <p>4 in here, and they probably look alike.</p> <p>5 He was referring to Juan Rodriguez</p> <p>6 who worked -- who works in the news room or</p> <p>7 worked at the time in the news room.</p> <p>8 Q. Did you take -- and how do you know</p> <p>9 that that's what Mr. Allan was thinking, if</p> <p>10 you didn't ask him?</p> <p>11 A. I just know.</p> <p>12 Q. Did you take these notes --</p> <p>13 withdrawn.</p> <p>14 At the top of the page there are --</p> <p>15 the pages are dated -- this one is dated</p> <p>16 12/06/04. Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. So, does that mean that this</p> <p>19 conversation happened on 12/06/04? You have</p> <p>20 to answer verbally.</p> <p>21 A. Yes. Oh, yes.</p> <p>22 Q. Are there any other comments by Col</p> <p>23 Allan that you personally heard that you</p> <p>24 regard as offensive to Hispanic people?</p> <p>25 A. Not that I can recall at this time.</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 MR. LERNER: It's 2:37 -- I'm</p> <p>3 sorry, 1:36. We, collectively, have</p> <p>4 not had lunch yet, although the lunch</p> <p>5 has been served. Do people want to</p> <p>6 take a break?</p> <p>7 MR. THOMPSON: Yes.</p> <p>8 MR. LERNER: And get something to</p> <p>9 eat?</p> <p>10 MR. THOMPSON: Yes. All right.</p> <p>11 So, let's take a break. Okay.</p> <p>12 MR. LERNER: There's food here.</p> <p>13 Do you feel like you need more than a</p> <p>14 half-hour?</p> <p>15 MR. THOMPSON: No, no since we got</p> <p>16 sort of sidetracked, let's resume in</p> <p>17 30 minutes, if that's fine for the</p> <p>18 Court Reporter, because she's most</p> <p>19 important, and the videographer.</p> <p>20 MR. LERNER: Fine.</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 1:39 p.m. We're going off the record.</p> <p>23 (Whereupon, at this time, a</p> <p>24 lunch break was taken.)</p> <p>25</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A F T E R N O O N S E S S I O N</p> <p>3</p> <p>4 (Time noted: 2:20 p.m.)</p> <p>5</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 2:20 p.m. We're back on the record,</p> <p>8 video number three.</p> <p>9</p> <p>10 S A N D R A G U Z M A N, resumed and</p> <p>11 testified as follows:</p> <p>12 EXAMINATION BY (Cont'd.)</p> <p>13 MR. LERNER:</p> <p>14 Q. Ms. Guzman, when you started at The</p> <p>15 Post, were you provided with a set of</p> <p>16 standards of business conduct and policies</p> <p>17 that were applicable at The Post?</p> <p>18 A. Yes.</p> <p>19 Q. I'm going to show you a form and</p> <p>20 ask you if this is Guzman 8. And it's NYP</p> <p>21 '495.</p> <p>22 (Defendant's Guzman Exhibit 8,</p> <p>23 document Bates labeled NYP '495,</p> <p>24 marked for identification, as of this</p> <p>25 date.)</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Is that a document that you signed</p> <p>3 at the commencement of your employment at the</p> <p>4 New York Post?</p> <p>5 A. Yes.</p> <p>6 Q. Is that your signature?</p> <p>7 A. Yes.</p> <p>8 Q. And did you receive The Post's</p> <p>9 standards of business conduct and EEO policy?</p> <p>10 A. Yes, I received them.</p> <p>11 Q. And this indicates at the top that</p> <p>12 you acknowledge that you received and read</p> <p>13 those materials?</p> <p>14 A. Yes.</p> <p>15 Q. Is that accurate?</p> <p>16 A. Yes.</p> <p>17 Q. Did you read them?</p> <p>18 A. Yes.</p> <p>19 Q. So, you were aware that The Post</p> <p>20 had a policy against discrimination at the</p> <p>21 workplace?</p> <p>22 A. Yes.</p> <p>23 Q. You were aware that The Post had a</p> <p>24 policy against sexual harassment in the</p> <p>25 workplace?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Yes.</p> <p>3 Q. And you were aware that The Post</p> <p>4 had a policy against discrimination on the</p> <p>5 base of gender in the workplace?</p> <p>6 A. Yes.</p> <p>7 Q. And that policy was, in effect, the</p> <p>8 entire time you worked there, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you were aware that The Post</p> <p>11 had a policy that persons who felt that they</p> <p>12 were aggrieved by discrimination or harassment</p> <p>13 should bring it to the attention of The Post</p> <p>14 management?</p> <p>15 A. Yes.</p> <p>16 Q. And you knew if you wished to do</p> <p>17 that, how you could do that; did you not?</p> <p>18 A. Yes.</p> <p>19 Q. And you knew that there was a --</p> <p>20 there were personnel that worked for human</p> <p>21 resources that could be approached with that</p> <p>22 information, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you were familiar with the</p> <p>25 woman, Jennifer Jehn --</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Yes.</p> <p>3 Q. -- vice-president of human</p> <p>4 resources?</p> <p>5 A. Yes.</p> <p>6 Q. Did you know a woman by the name of</p> <p>7 Linda Babajko?</p> <p>8 A. Yes.</p> <p>9 Q. She was also human resources?</p> <p>10 A. Yes.</p> <p>11 Q. And you knew that The Post also had</p> <p>12 something called "AlertLine"; are you familiar</p> <p>13 with that?</p> <p>14 A. Yes, I actually -- yes.</p> <p>15 Q. So, you knew if you wanted to</p> <p>16 complain about discrimination or harassment at</p> <p>17 the New York Post, you knew how you could do</p> <p>18 that, correct?</p> <p>19 A. Yes.</p> <p>20 Q. You feel strongly that people</p> <p>21 should stand up to racism whenever they see</p> <p>22 it, do you not?</p> <p>23 A. Yes.</p> <p>24 Q. And you believe that people should</p> <p>25 not stay quiet if they witness or experience</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 racism or sexism, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you believe that people that</p> <p>5 experience or witness racism or discrimination</p> <p>6 should have a response to them, correct?</p> <p>7 A. A response?</p> <p>8 Q. Should be prepared to respond to</p> <p>9 it, correct?</p> <p>10 A. In what way?</p> <p>11 Q. Well, did you write in your book</p> <p>12 that if persons witnessed racism, they should</p> <p>13 stare it down diplomatically, but honestly and</p> <p>14 always have a response?</p> <p>15 MR. THOMPSON: Objection.</p> <p>16 A. I did write that.</p> <p>17 Q. And you believe it to be true?</p> <p>18 A. And I believe it to be true.</p> <p>19 Q. And you also believe that you are</p> <p>20 somebody who stands up to authority when you</p> <p>21 need to, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did you write that when you see</p> <p>24 something that is wrong, that you do not look</p> <p>25 away in shame or fear, that you don't walk</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 his Blackberry of a naked man?</p> <p>3 A. Unprovoked? It was only one</p> <p>4 occasion. It was unprovoked and I found it</p> <p>5 demeaning. I found it disgusting that the</p> <p>6 boss, the editor, for no apparent reason would</p> <p>7 just flash out his Blackberry and show me a</p> <p>8 photograph of a naked man.</p> <p>9 Q. Ms. Guzman --</p> <p>10 A. I'm sorry.</p> <p>11 Q. I'm trying to establish what</p> <p>12 picture it is that you saw, so we're all</p> <p>13 talking about the same thing.</p> <p>14 A. Okay. It wasn't Iman Morales.</p> <p>15 Q. Because have you reviewed the</p> <p>16 Affidavit that was submitted by Danica Lo in</p> <p>17 this case?</p> <p>18 A. Yes.</p> <p>19 Q. And Ms. Lo recalls being with you</p> <p>20 when Mr. Allan showed a picture on his</p> <p>21 Blackberry of Iman Morales, correct?</p> <p>22 A. She must be confused.</p> <p>23 Q. That's what she wrote in her</p> <p>24 Affidavit, right?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And in what way do you think she</p> <p>3 must be confused?</p> <p>4 A. Maybe he has a habit of showing</p> <p>5 female co-workers, his staffers, naked</p> <p>6 pictures of men.</p> <p>7 Q. And is it possible that you're</p> <p>8 confused that the photograph that you saw was</p> <p>9 the photograph of Iman Morales?</p> <p>10 A. Absolutely not. Absolutely not.</p> <p>11 Q. Why didn't you say, in your</p> <p>12 Affidavit, what the -- who the photograph --</p> <p>13 what the source of the photograph was or in</p> <p>14 your Complaint?</p> <p>15 A. I wasn't specific. I said that he</p> <p>16 showed me a picture of a naked man. There are</p> <p>17 a lot of specifics I didn't write in my</p> <p>18 Federal Complaint.</p> <p>19 Q. And if Ms. Lo has no recollection</p> <p>20 of ever seeing a photograph, other than that</p> <p>21 of Ms. -- of Mr. Morales on Col Allan's</p> <p>22 Blackberry, you think the explanation is that</p> <p>23 she must be confused?</p> <p>24 A. Or lying.</p> <p>25 Q. You understand that when she filled</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 out and executed that Affidavit, she was not</p> <p>3 an employee of The Post?</p> <p>4 A. She was there.</p> <p>5 Q. She was not an employee of The Post</p> <p>6 at the time she executed her Affidavit?</p> <p>7 A. Right. She was not an employee at</p> <p>8 The Post. I understand that. At the time she</p> <p>9 was -- at the time that Mr. Allan showed me</p> <p>10 the picture and Lacey Browne and Kirsten</p> <p>11 Fleming, Danica Lo was an employee of The New</p> <p>12 York Post. In fact, yeah.</p> <p>13 Q. And was -- and was Danica Lo</p> <p>14 present?</p> <p>15 A. Yes.</p> <p>16 Q. And Kirsten Fleming was present?</p> <p>17 A. Yes.</p> <p>18 Q. And Lacey Browne was present?</p> <p>19 A. Yes.</p> <p>20 Q. And you were present?</p> <p>21 A. Yes.</p> <p>22 Q. And where did this take place?</p> <p>23 A. At a place called Langan's.</p> <p>24 Q. And how did -- and who else was</p> <p>25 present besides the four women that you've</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 just named, including yourself?</p> <p>3 A. In terms of who else was at this</p> <p>4 restaurant/bar?</p> <p>5 Q. Yes.</p> <p>6 A. There were lots of other people,</p> <p>7 but --</p> <p>8 Q. My question really is: Who was in</p> <p>9 the conversation in which the image was</p> <p>10 displayed on the Blackberry?</p> <p>11 A. Lacey Browne, Kirsten Fleming,</p> <p>12 Danica Lo and myself.</p> <p>13 Q. And presumably Col Allan was there?</p> <p>14 A. Col Allan came in after we were</p> <p>15 talking after work about stories -- after work</p> <p>16 conversation. Lacey Browne was my photo</p> <p>17 editor at one point, so we were catching up.</p> <p>18 And Mr. Allan walked in, I don't know, an hour</p> <p>19 later after we -- I really don't remember how</p> <p>20 long after we were there. We were there</p> <p>21 talking and he engaged us in conversation and</p> <p>22 out of the blue, Mr. Allan pulled out his</p> <p>23 Blackberry. So, those were the three other</p> <p>24 women who were present with me.</p> <p>25 Q. And who did he show it to first?</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Me.</p> <p>3 Q. And what conversation had you had</p> <p>4 before he showed it to -- before he showed it</p> <p>5 to you?</p> <p>6 A. We were just talking about news of</p> <p>7 the day. We were talking -- I don't really</p> <p>8 remember. Maybe what would be the front page.</p> <p>9 He would often talk about a news story that</p> <p>10 was happening.</p> <p>11 Q. Was McGreevey's divorce news at the</p> <p>12 time?</p> <p>13 A. McGreevey's divorce was news at the</p> <p>14 time.</p> <p>15 Q. And the evidence that was coming</p> <p>16 out in connection with McGreevey's divorce was</p> <p>17 news as well, right?</p> <p>18 A. Yes.</p> <p>19 Q. And the picture that McGreevey had</p> <p>20 on the wall that became evidence in his case,</p> <p>21 that was news as well, right?</p> <p>22 A. Yes.</p> <p>23 Q. And did that picture run in The New</p> <p>24 York Post the next day?</p> <p>25 A. It ran. It was an exclusive for</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 the weekend paper. So, if it did not run the</p> <p>3 next day, Friday, it must have run Saturday</p> <p>4 with his genitalia covered. It was a full</p> <p>5 page photograph that ran.</p> <p>6 Q. And Mr. Allan gets these photos on</p> <p>7 his Blackberry so he can make determinations</p> <p>8 about publication or purchase --</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 Q. -- correct?</p> <p>11 A. I don't know why he gets naked</p> <p>12 photographs. I'm assuming that that -- I</p> <p>13 don't know why. I don't know why.</p> <p>14 Q. Did he ask you your opinion about</p> <p>15 the photograph?</p> <p>16 A. No, he just showed it to me and</p> <p>17 laughed and smirked.</p> <p>18 Q. Did you -- and you were -- and you</p> <p>19 were -- the conversation, you said, was about</p> <p>20 what the headline might be the next day?</p> <p>21 A. Um-hum.</p> <p>22 Q. Did the headline the next day</p> <p>23 relate to the McGreevey matter?</p> <p>24 A. No, not that I --</p> <p>25 Q. After he showed it to you, what did</p>
Page 140	Page 141
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 he do with his Blackberry?</p> <p>3 A. I gave it back to him.</p> <p>4 Q. And then what happened?</p> <p>5 A. He gave it to his assistant,</p> <p>6 Kirsten, who was on the other side of him.</p> <p>7 Q. Well, did you tell Kirsten what the</p> <p>8 picture was of?</p> <p>9 A. I was shocked.</p> <p>10 Q. Did you tell Kristen what the</p> <p>11 picture was of?</p> <p>12 A. No, I was shocked. I was just</p> <p>13 like, that's creepy.</p> <p>14 Q. Well, if it offended you, didn't</p> <p>15 you think it might offend the other women in</p> <p>16 your group?</p> <p>17 A. You have to understand that this is</p> <p>18 shocking to me, that here is the editor in</p> <p>19 chief of a newspaper showing his female</p> <p>20 editors and writers a picture of a naked man.</p> <p>21 I didn't know where that was coming from. I</p> <p>22 was confused. I was -- I was shocked.</p> <p>23 Q. Ms. Guzman, you gave a gift of a</p> <p>24 sexual vibrator to a friend; did you not?</p> <p>25 A. What are you talking about?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. You've given a vibrator as a gift</p> <p>3 to a friend; did you not?</p> <p>4 A. I'm not sure what you're talking</p> <p>5 about.</p> <p>6 Q. I want to understand what is</p> <p>7 shocking about a photograph from a divorce</p> <p>8 case that displays a naked man to somebody who</p> <p>9 gives vibrators as gifts to their friends.</p> <p>10 A. First of all, I don't know what</p> <p>11 gift you're talking about, but if my boss --</p> <p>12 what happens between my friends is between</p> <p>13 friends; okay. It is my personal space</p> <p>14 between girlfriends.</p> <p>15 What happens in the workplace is</p> <p>16 something completely different. So, if I have</p> <p>17 my boss -- if I'm at a place having drinks and</p> <p>18 talking and eating with my co-workers, my</p> <p>19 female co-workers, and my boss comes to me and</p> <p>20 shows me unprovoked and unexpected and</p> <p>21 randomly, without telling me -- giving me a</p> <p>22 sense of what this picture is about, it's very</p> <p>23 different. It's very different.</p> <p>24 Q. You wrote publicly about you giving</p> <p>25 a vibrator as a gift?</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Are you referring to my book?</p> <p>3 Q. Yes.</p> <p>4 A. You're referring to the sexuality</p> <p>5 chapter where I give women information on</p> <p>6 sexual health?</p> <p>7 Q. I'm referring to your public</p> <p>8 description of the fact that you've given</p> <p>9 vibrators as gifts.</p> <p>10 A. I write about sexual health, and if</p> <p>11 that's what you're referring to, yes.</p> <p>12 Q. You were not so shocked that you</p> <p>13 stopped your friend, Kirsten Fleming, from</p> <p>14 looking at the picture, right?</p> <p>15 MR. THOMPSON: Objection.</p> <p>16 A. Okay. So, this is the boss. This</p> <p>17 is the editor in chief coming up to a group of</p> <p>18 his female employees and whipping out a</p> <p>19 Blackberry and asking us to view a picture of</p> <p>20 a naked man.</p> <p>21 Q. The question was; yes or no, you</p> <p>22 didn't stop Kirsten Fleming from looking at</p> <p>23 it, right?</p> <p>24 A. I didn't stop her.</p> <p>25 Q. You didn't stopped Danica Lo?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. What I did was I gave him the</p> <p>3 Blackberry back. He gave them the Blackberry.</p> <p>4 He gave his assistant his Blackberry.</p> <p>5 Q. But you did not warn them not to</p> <p>6 look at the photo in the Blackberry, did you?</p> <p>7 A. I did not.</p> <p>8 Q. You didn't warn Danica or Lacey or</p> <p>9 Kirsten did you?</p> <p>10 A. I did not.</p> <p>11 Q. All right. That's because you were</p> <p>12 not offended by it, right?</p> <p>13 A. I was offended.</p> <p>14 Q. It was a newsworthy photo that ran</p> <p>15 in The New York Post and was part of the</p> <p>16 evidence in a public and famous divorce case,</p> <p>17 right?</p> <p>18 A. The picture that he showed us was</p> <p>19 not the picture that was printed in the paper.</p> <p>20 He showed us his penis. He showed us the</p> <p>21 man's genitalia. He didn't show us the photo</p> <p>22 that would be published where his genitalia</p> <p>23 was covered. Mr. Allan showed us a picture of</p> <p>24 a naked man with his penis exposed. The</p> <p>25 picture that ran as news, his penis was</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 blocked out. That's not the picture he showed</p> <p>3 us.</p> <p>4 Q. Well, the picture that was on the</p> <p>5 wall was the full picture, right?</p> <p>6 A. Yes.</p> <p>7 Q. And do your notes record this</p> <p>8 incident?</p> <p>9 A. I don't recall my notes recalling</p> <p>10 this incident, no. I can't -- I can't tell</p> <p>11 you for sure.</p> <p>12 Q. Are you embarrassed by nudity,</p> <p>13 Ms. Guzman?</p> <p>14 A. I'm not really sure what you mean.</p> <p>15 Q. Well, do you find nudity to be --</p> <p>16 to make you uncomfortable?</p> <p>17 A. Like is the question is it</p> <p>18 important when I see it? I don't really --</p> <p>19 can you rephrase it so I can understand and</p> <p>20 answer you?</p> <p>21 Q. Well, you're comfortable with</p> <p>22 sexual topics, aren't you?</p> <p>23 A. I'm comfortable talking about</p> <p>24 sexual health.</p> <p>25 Q. Did you -- did you bring this</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 incident where Mr. Allan showed this</p> <p>3 photograph to you to anybody else's attention</p> <p>4 after it happened?</p> <p>5 A. The day after, I told a member of</p> <p>6 management what Mr. Allan had done.</p> <p>7 Q. Who did you tell?</p> <p>8 A. Paul Armstrong.</p> <p>9 Q. Why did you select Mr. Armstrong to</p> <p>10 tell?</p> <p>11 A. He's part of management. He's part</p> <p>12 of the executive team, and I trusted him to do</p> <p>13 something about it.</p> <p>14 Q. What did you ask him to do? What</p> <p>15 did you say to him?</p> <p>16 A. I said -- I told him -- I said</p> <p>17 Paul, you're not going to believe what</p> <p>18 Col Allan did last night. And I told him what</p> <p>19 I've told you today. And Paul was just pretty</p> <p>20 flabbergasted.</p> <p>21 Q. And did you ask Mr. Armstrong to do</p> <p>22 anything in particular?</p> <p>23 A. I actually thought he would go to</p> <p>24 HR or legal.</p> <p>25 Q. Did you ask him to go to HR or</p>

<p style="text-align: right;">Page 146</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 legal?</p> <p>3 A. No.</p> <p>4 Q. You did not go to HR or legal</p> <p>5 yourself?</p> <p>6 A. Not right after. I did speak with</p> <p>7 HR later and I made HR aware of this incident.</p> <p>8 Q. Did you ever follow up with</p> <p>9 Mr. Armstrong to ask him if he had done</p> <p>10 anything with that information?</p> <p>11 A. No.</p> <p>12 Q. And you did not hear anything back</p> <p>13 from him about it, did you?</p> <p>14 A. No.</p> <p>15 Q. What was Mr. Armstrong's position?</p> <p>16 What was his title when you told him this</p> <p>17 information?</p> <p>18 A. At the time, he was maybe a VP of</p> <p>19 quality control. I don't really know the</p> <p>20 exact title, but he's in charge of making sure</p> <p>21 that the paper is legible, that the pictures</p> <p>22 are clear. So I don't know the exact title,</p> <p>23 but he's part of the -- he was part of the</p> <p>24 executive management team.</p> <p>25 Q. And at the time you knew that</p>	<p style="text-align: right;">Page 147</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Jennifer Jehn was the VP of human resources,</p> <p>3 right?</p> <p>4 A. I'm not sure that Jennifer Jehn was</p> <p>5 working at the time.</p> <p>6 Q. But you knew how to find human</p> <p>7 resources, right?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever discuss this matter</p> <p>10 with Lacey Browne, Kirsten Fleming or</p> <p>11 Danica Lo after it happened?</p> <p>12 A. Yes.</p> <p>13 Q. And what did you discuss?</p> <p>14 A. Same thing; girls, can you believe</p> <p>15 that this happened. Actually, I never</p> <p>16 discussed it with Kirsten Fleming. I did with</p> <p>17 Lacey and Danica Lo. And I asked them, can</p> <p>18 you believe this happened. Can you believe</p> <p>19 it. Can you believe this behavior.</p> <p>20 Q. And what did they say to you, if</p> <p>21 you recall?</p> <p>22 A. That's Col Allan. Shrug, that's</p> <p>23 Col Allan.</p> <p>24 Q. Did you ask them if they</p> <p>25 complained?</p>
<p style="text-align: right;">Page 148</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I didn't ask them if they</p> <p>3 complained.</p> <p>4 Q. Did you ask them to join your</p> <p>5 complaint?</p> <p>6 A. I didn't ask them to join my</p> <p>7 complaint.</p> <p>8 Q. And when is it your testimony that</p> <p>9 this happened?</p> <p>10 A. April of 2007.</p> <p>11 Q. And other than saying to Mr. Allan,</p> <p>12 that's creepy, did you say anything else to</p> <p>13 Mr. Allan about this incident?</p> <p>14 A. No.</p> <p>15 Q. And other than what you told us you</p> <p>16 said to Mr. Armstrong, did you say anything</p> <p>17 else to Mr. Armstrong about it?</p> <p>18 A. Did I say anything else besides</p> <p>19 telling him what happened?</p> <p>20 Q. Yes.</p> <p>21 A. I told him how I felt as a woman.</p> <p>22 I felt this was inappropriate behavior. That</p> <p>23 this was offensive. That this was demeaning</p> <p>24 and humiliating to me. I told him that I</p> <p>25 didn't think this was okay.</p>	<p style="text-align: right;">Page 149</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. What did Mr. Armstrong say?</p> <p>3 A. He listened.</p> <p>4 Q. And did you have -- other than the</p> <p>5 fact that Mr. Armstrong had the position that</p> <p>6 he had, was there any other reason why you</p> <p>7 chose Mr. Armstrong? Did you have a certain</p> <p>8 level of confidence with him?</p> <p>9 A. I trusted him. He was a dignified</p> <p>10 and upstanding member of the management team,</p> <p>11 and I didn't know him to be a sexist or bigot.</p> <p>12 I worked closely with him, so I felt confident</p> <p>13 that I could share with him something like</p> <p>14 that and that I hoped that he would be able to</p> <p>15 do something about it.</p> <p>16 Q. But you didn't ask him to do</p> <p>17 anything about it, right?</p> <p>18 A. No.</p> <p>19 Q. And how did you expect him to know</p> <p>20 that you -- without asking him to do something</p> <p>21 about it, Ms. Guzman, how did you expect him</p> <p>22 to know that you wanted him to take action on</p> <p>23 your behalf?</p> <p>24 A. Well, he's a member of the</p> <p>25 management team. I assumed that he is very</p>

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1 SANDRA GUZMAN-10/13/11
2 familiar with the rules of conduct. And I
3 actually thought that he would think it was so
4 outrageous that he wouldn't bat an eye to, at
5 least, report it as something that was
6 reportable.

7 Q. So, you just assumed that he would?

8 A. Um-hum. And I hoped that he would.

9 Q. And when there was no follow-up by
10 Mr. Armstrong or anybody else on this, you did
11 not go to the HR department, which was all
12 women, and pursue it there, correct?

13 A. Not immediately.

14 Q. Well, did you at some point?

15 A. I did.

16 Q. When was that?

17 A. February of 2009.

18 Q. After the publication of the
19 cartoon?

20 A. After the publication of the racist
21 monkey cartoon.

22 Q. Did you specifically describe the
23 incident that you've talked about here during
24 your discussions after the cartoon was
25 published?

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1 SANDRA GUZMAN-10/13/11
2 incident that you had in mind?

3 A. I'm sorry?

4 Q. When you said -- when you told her
5 that Col Allan shows females pictures of naked
6 men, it was the incident described in
7 paragraph 35 of your Complaint that you were
8 referring to, right?

9 A. Yes.

10 Q. And did you specifically give her
11 the facts of where the incident of paragraph
12 35 of your Complaint during that discussion?

13 A. Not the specific facts of the date
14 and the photograph. I said -- I told her that
15 Col Allan had shown pictures of naked men. He
16 showed me a picture of a naked man.

17 Q. Did you tell her anything else
18 about that?

19 A. About that?

20 Q. Yes.

21 A. No. I don't recall telling her
22 anything else about that.

23 Q. Did you ever put that complaint in
24 writing?

25 A. No.

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1 SANDRA GUZMAN-10/13/11

2 A. Jennifer Jehn was in my office and
3 I made her aware of several sexist and
4 racially discriminatory incidents, and I did
5 tell her.

6 Q. You told her about this incident
7 with the McGreevey photograph?

8 A. I told her -- I'm sorry; please
9 finish.

10 Q. You told also Jehn about the
11 McGreevey photograph incident on Col Allan's
12 Blackberry after the publication of the
13 cartoon?

14 A. I did.

15 Q. You're sure?

16 A. I'm positive that I told her that
17 Col Allan shows female workers pictures of
18 naked men.

19 Q. That's what you said?

20 A. Um-hum.

21 MR. THOMPSON: You have to answer
22 verbally, just remember.

23 A. Yes. Okay, yes.

24 Q. And when you said that, this was
25 the incident we just discussed was the

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1 SANDRA GUZMAN-10/13/11

2 Q. So, that complaint was verbal?

3 A. Yes.

4 Q. And was that your first complaint
5 to human resources?

6 A. My first complaint to human
7 resources?

8 Q. Yes.

9 A. I had complained to the diversity
10 members of the team of News Corp. diversity
11 office.

12 Q. My question was: Was that your
13 first complaint to human resources?

14 A. No, that was not my first complaint
15 to human resources.

16 Q. What was your first complaint to
17 human resources?

18 A. To Mitsy Wilson and to Rick
19 Ramirez, they're members of News Corp.'s
20 diversity team. And as I understood it, they
21 were part of the human resources because
22 they -- part of what they do is they recruit
23 people of color to work at the different News
24 Corp. companies.

25 Q. What was -- okay. And when did you

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1 SANDRA GUZMAN-10/13/11
2 Q. I'm going to show you, Ms. Guzman,
3 a document which is the called the Standards
4 of Business Conduct marked Guzman 10.

5 (Defendant's Guzman Exhibit 10,
6 Standards of Business Conduct, marked
7 for identification, as of this date.)

8 MR. THOMPSON: I don't want you
9 getting confused. Try to keep these
10 in order.

11 THE WITNESS: Okay.

12 Q. Ms. Guzman, is this a document you
13 had access to when you were an employee of The
14 Post?

15 A. Yes.

16 Q. And these are the policies that
17 were in effect at The Post while you were
18 there?

19 A. Yes.

20 Q. Turn to page -- this is document
21 Bates numbered NYP '58 through NYP '199.

22 Could you turn to page NYP '69,
23 please. And can you look at the last sentence
24 on the page. It reads, "Accordingly,
25 employees who feel aggrieved because of

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1 SANDRA GUZMAN-10/13/11
2 harassment or discrimination have an
3 obligation to immediately notify a manager in
4 the human resources department or an attorney
5 in the legal department."

6 Do you see that?

7 A. Yes.

8 Q. Did you do either of those things?

9 A. No. In February of 2009, I
10 complained to Jennifer Jehn.

11 Q. Prior to February of 2009, though,
12 you didn't do either of those things, right?

13 A. Right.

14 Q. You have an allegation in your
15 Complaint about an incident that occurred,
16 allegedly, at a party that had dancing it is
17 paragraph 37 of your Complaint.

18 A. What page?

19 Q. Page 9. Talking about Exhibit 3 of
20 the Amended Complaint?

21 A. What paragraph?

22 Q. Paragraph 37.

23 A. Okay.

24 Q. After you look at that paragraph, I
25 have a few questions about it.

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1 SANDRA GUZMAN-10/13/11

2 A. Okay.

3 Q. Did you personally see the dancing
4 that you described in Paragraph 37?

5 A. Did I personally --

6 MR. THOMPSON: Objection.

7 A. Rubbed his penis? Rubbed? There's
8 no dancing here.

9 Q. Fine. Did you personally see this
10 occur?

11 A. No.

12 Q. Were you present at the location at
13 that place on that night?

14 A. I was present, yes.

15 Q. And what is the source of your
16 information and belief for the information
17 that's contained in paragraph 37?

18 A. The following day, the female in
19 question came to my office and asked to speak
20 with me privately. And we went into my office
21 and she told me that, in a very distraught
22 manner, that Mr. Col Allan rubbed his erect
23 penis on her buttocks, and was making lewd
24 remarks about how great her breasts looked
25 after she had lost weight. And she felt

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1 SANDRA GUZMAN-10/13/11
2 scared to be alone with him.

3 Q. And who's the person?

4 A. Her name is Nicole Faux, Nikki
5 Faux.

6 Q. Did you tell Ms. Faux that you
7 thought that she had looked like she lost
8 weight?

9 A. Did I?

10 Q. Yes.

11 A. No. Mr. Allan told her how great
12 she looked since she lost weight. How great
13 her breasts looked since she looked -- since
14 she lost weight.

15 Q. In fact, you've commented to
16 Ms. Faux about her breasts, haven't you?

17 A. When?

18 Q. You've told Ms. Faux that you've
19 complimented her on her breasts, haven't you?

20 A. When?

21 Q. At any time.

22 A. I don't remember.

23 Q. You're under oath, Ms. Guzman.

24 Did you call her hot? Did you tell
25 her she was hot?

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1 SANDRA GUZMAN-10/13/11

2 A. I know I'm under oath. And I --
3 you have to tell me. You have to tell me
4 what -- what are these conversations you're
5 talking about? I don't understand them.

6 Q. The question is: Did you ever
7 compliment Ms. Faux on her breasts and call
8 her hot?

9 A. I may have complimented her on many
10 things, including how beautiful she is as a
11 friend does, as a colleague does.

12 Q. Well, Ms. Faux has told us that you
13 did that. It's true, right?

14 A. Is there an Affidavit?

15 Q. It's true; is it not?

16 MR. THOMPSON: Objection.

17 A. I can't tell you if it's true or
18 not. I need to know when and in what context
19 are these women having a conversation? And is
20 she asking me how do I look, you know, she's
21 on Weight Watchers. She's trying to lose
22 weight. It's a very general question that I
23 can't answer.

24 Q. And did Ms. Faux tell you that she
25 was fearing to be alone with Mr. Allan?

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1 SANDRA GUZMAN-10/13/11

2 else about this incident after she told you?

3 A. Maybe I did, but I don't remember.

4 Q. Did you bring it to HR's attention?

5 A. I did not.

6 Q. Did you take any notes about it?

7 A. I did not take notes.

8 Q. In paragraph 38 of your Amended
9 Complaint, you indicate that Mr. Allan took
10 two Australian political leaders to a strip
11 club called Scores?

12 You weren't with them, right?

13 A. No.

14 Q. Did you ever talk to Mr. Allan
15 about it?

16 A. No.

17 Q. Were you ever invited to Scores
18 with Mr. Allan?

19 A. No.

20 Q. Do you know if any visit by
21 Mr. Allan to Scores was reimbursed by The
22 Post?

23 A. I don't know.

24 Q. Pardon?

25 A. I don't know.

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1 SANDRA GUZMAN-10/13/11

2 A. That's what she told me at the
3 time.

4 Q. What were her words?

5 A. She said, I'm scared to be alone
6 with him.

7 Q. Did you hear Mr. Allan say anything
8 to Ms. Faux on that night?

9 A. No.

10 Q. Did you hear him make sexually
11 suggestive comments about her body or her
12 breasts?

13 A. No.

14 Q. Did you see Ms. Faux that night at
15 the party?

16 A. Yes.

17 Q. When you saw her, did she appear
18 uncomfortable?

19 A. I don't remember.

20 Q. Was anybody else with you when
21 Ms. Faux told you this?

22 A. No. She told me this in private.
23 She actually asked me to go into my office and
24 close the door.

25 Q. Did you -- did you tell anybody

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1 SANDRA GUZMAN-10/13/11

2 Q. When did you learn that Mr. Allan
3 had gone to Scores with two Australian
4 political leaders?

5 A. When it was reported on in the
6 newspapers and other colleagues, coworkers
7 were talking about it.

8 Q. Is that in connection with the Paul
9 Jared Stern case?

10 A. No that was -- actually, I don't
11 remember. Maybe it was. But I don't -- I
12 don't know if it's in connection with anything
13 other than news that he was doing this.

14 Q. That he was doing this or that he
15 did this?

16 A. Well, Col Allan would -- he was
17 known in the newsroom that Scores was one of
18 his favorite places. That he would go there
19 in the middle of the day and come back for
20 news meetings in the evening.

21 Q. When did you learn that?

22 A. It was sort of common knowledge in
23 the newsroom.

24 Q. When did you learn it?

25 A. Exactly when?

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1 SANDRA GUZMAN-10/13/11
 2 cancel Tempo?
 3 A. No.
 4 Q. Do you know why Tempo was not
 5 canceled in 2006?
 6 MR. THOMPSON: Objection.
 7 A. I think that there's some people on
 8 staff that really felt very passionate about
 9 the section.
 10 Q. And that was Les Goodstein, right?
 11 A. Les Goodstein and Sami Haiman,
 12 Patrick Judge on the sales side. These are
 13 people who are in charge of selling Tempo.
 14 Q. Do you know who's responsible for
 15 convincing The Post not to cancel Tempo?
 16 A. Who was responsible?
 17 Q. Yes.
 18 A. I don't.
 19 Q. Do you know it was Mr. Goodstein?
 20 A. You're telling me that it was.
 21 Q. You didn't know that until now?
 22 A. I don't recall. I do know he was
 23 an advocate of the section.
 24 Q. A passionate advocate of the
 25 section, correct? Would you agree with that?

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1 SANDRA GUZMAN-10/13/11
 2 A. I needed to be nice with Les were
 3 the words that I remember.
 4 Q. And what did you say?
 5 A. I didn't understand. I told him I
 6 did not understand what he meant by being
 7 nice. That's exactly what I told Mr. Allan.
 8 Q. And do you know what prompted
 9 Mr. Allan to call you in?
 10 A. I suspected that it was because I
 11 was complaining about Mr. Les Goodstein's
 12 lascivious and disgusting behavior toward me.
 13 Q. When had you done that?
 14 A. When had I complained?
 15 Q. Yes.
 16 A. Immediately after Mr. Les Goodstein
 17 and I had our initial meeting.
 18 Q. And when was that?
 19 A. So, if he arrived in 2006, it was
 20 around 2006. If he arrived -- yeah, a few
 21 months.
 22 Q. Ms. Guzman, who did you complain to
 23 in the middle of 2006 about Les Goodstein?
 24 A. To Paul Armstrong, to Lisa Barnett
 25 and to DeDe Brown.

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1 SANDRA GUZMAN-10/13/11
 2 A. I agree.
 3 Q. Mr. Goodstein had experience
 4 working at The Daily News targeting and
 5 serving the Hispanic community, correct?
 6 A. Yes.
 7 Q. So, when he got involved with
 8 Tempo, that experience was relevant to Tempo,
 9 right?
 10 A. To selling Tempo, yes.
 11 Q. Did Mr. Goodstein complain to
 12 Col Allan that you weren't working with him on
 13 Tempo?
 14 MR. THOMPSON: Objection.
 15 A. I don't know what he complained to
 16 Mr. Allan about.
 17 Q. Did Col Allan call you in his
 18 office to instruct you after Les Goodstein
 19 started working on Tempo that you should try
 20 to work with -- that you were to work with
 21 Les?
 22 A. He called me into his office and he
 23 berated me, yes.
 24 Q. And he told you that you needed to
 25 work with Les, right?

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1 SANDRA GUZMAN-10/13/11
 2 Q. You did not complain to Paul
 3 Armstrong about Les Goodstein in 2006, did
 4 you, Ms. Guzman?
 5 A. I did.
 6 Q. What was your complaint?
 7 A. On the first meeting when I first
 8 met Mr. Les Goodstein, we met on the third
 9 floor in the cafeteria and he introduced
 10 himself. And we were having a conversation
 11 about Tempo. And as soon as a woman would
 12 walk by, Les Goodstein would follow that woman
 13 and look at the woman's butt and breast and
 14 body up and down. And then he would turn back
 15 to me and he would say, I'm sorry, what was I
 16 saying.
 17 Mr. Goodstein licked his lips on a
 18 number of occasions. The first meeting I had
 19 with Mr. Goodstein, he displayed grotesque
 20 behavior and I told Paul about it.
 21 Q. And it's the behavior you just
 22 described, correct?
 23 A. That was one of many behaviors.
 24 Q. Well, so, at the first meeting, he
 25 looked at other women in the cafeteria; is

<p style="text-align: right;">Page 186</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 that right?</p> <p>3 MR. THOMPSON: Objection.</p> <p>4 A. The first meeting, we would be</p> <p>5 having a conversation just like you and I are</p> <p>6 having a conversation, and if a woman would</p> <p>7 walk by, he would take his eyes off me and</p> <p>8 look at the women's butt and breasts and</p> <p>9 follow them and then get back to the</p> <p>10 conversation. The very first meeting. My</p> <p>11 very first meeting with Mr. Les Goodstein on</p> <p>12 the third floor.</p> <p>13 Q. And is that what you complained to</p> <p>14 Mr. Armstrong about?</p> <p>15 A. That was one of the first things</p> <p>16 that I complained about. I met with Mr.</p> <p>17 Goodstein on many occasions after that, and</p> <p>18 Mr. Goodstein -- there were other complaints</p> <p>19 that I made about him.</p> <p>20 Q. To whom?</p> <p>21 A. To Paul.</p> <p>22 Q. How many times did you complain to</p> <p>23 Paul?</p> <p>24 A. I can't tell you the exact number,</p> <p>25 many times.</p>	<p style="text-align: right;">Page 187</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. More than three?</p> <p>3 A. I cannot tell you. I can't guess.</p> <p>4 I can tell you that there were many times.</p> <p>5 Many, many times. Dozens of times.</p> <p>6 Q. You complained to Paul dozens of</p> <p>7 times?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever go to HR to complain</p> <p>10 about Mr. Goodstein while you were working</p> <p>11 with him?</p> <p>12 A. I told you that in February of</p> <p>13 2009, I spoke to Jennifer Jehn about the</p> <p>14 sexist behavior of some members of The New</p> <p>15 York Post and News Corp. and --</p> <p>16 Q. How long did Mr. Goodstein and you</p> <p>17 work together on Tempo?</p> <p>18 A. I can't tell you the exact -- how</p> <p>19 many years, but a year and a half. A year and</p> <p>20 a half.</p> <p>21 Q. So, from roughly June '06 until the</p> <p>22 latter part of '07?</p> <p>23 A. I can't tell you specifics.</p> <p>24 Q. Your best recollection is a year</p> <p>25 and a half?</p>
<p style="text-align: right;">Page 188</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I cannot tell you specifics. I</p> <p>3 don't -- I want to be right and I can't tell</p> <p>4 you specifics.</p> <p>5 Q. And during that period of time that</p> <p>6 you and Mr. Goodstein were working together on</p> <p>7 Tempo, you did not go to HR to complain,</p> <p>8 right?</p> <p>9 A. No.</p> <p>10 Q. But The Post EEO policy says that</p> <p>11 you should go to HR or the legal department,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And you did neither?</p> <p>15 A. No, not --</p> <p>16 Q. And --</p> <p>17 MR. THOMPSON: Are you finished?</p> <p>18 THE WITNESS: No, I wasn't</p> <p>19 finished.</p> <p>20 MR. THOMPSON: Finish please.</p> <p>21 A. I complained to HR in 2009 when</p> <p>22 Jennifer Jehn and I met.</p> <p>23 Q. Okay, I understand. Thank you.</p> <p>24 A. Okay.</p> <p>25 Q. Did you tell Col Allan when he</p>	<p style="text-align: right;">Page 189</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 called you into his office to say that you</p> <p>3 should work with Les, did you tell Col Allan</p> <p>4 at that time that the reason you were not</p> <p>5 working with Les was because of this conduct?</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. I did not.</p> <p>8 Q. So, you did not bring this conduct</p> <p>9 to Col Allan's attention during that</p> <p>10 conversation, right?</p> <p>11 A. No.</p> <p>12 Q. You never told Col Allan directly</p> <p>13 about this conduct, right?</p> <p>14 A. No.</p> <p>15 Q. Did Mr. Goodstein ever try to touch</p> <p>16 you?</p> <p>17 A. No.</p> <p>18 Q. And you indicated that at some</p> <p>19 point, he referred to you as a cha-cha -- as a</p> <p>20 cha-cha girl or something like that?</p> <p>21 A. Yes, myself and a colleague were</p> <p>22 both Latinas.</p> <p>23 Q. And did you let him know that you</p> <p>24 did not appreciate that remark?</p> <p>25 A. Yes.</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And did he stop calling you</p> <p>3 cha-cha?</p> <p>4 A. He stopped calling me cha-cha.</p> <p>5 Q. Did you ever tell him that you</p> <p>6 prefer that he not look at other women in the</p> <p>7 way you described when you were working with</p> <p>8 him?</p> <p>9 A. No.</p> <p>10 Q. Do you know that Mr. Goodstein was</p> <p>11 the only non-Hispanic, non-black person on the</p> <p>12 National Board of Hispanic Federation?</p> <p>13 A. Yes. I didn't know he was the</p> <p>14 only -- I knew he was on the board.</p> <p>15 Q. And he was given the leadership</p> <p>16 award by the Hispanic Federation in May of</p> <p>17 2009, right?</p> <p>18 A. Yes.</p> <p>19 Q. There was a dinner that honored</p> <p>20 him?</p> <p>21 A. Yes.</p> <p>22 Q. And you went to that dinner?</p> <p>23 A. Yes.</p> <p>24 Q. Did you meet his wife?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Did you tell his wife that he was a</p> <p>3 great guy?</p> <p>4 A. I don't remember saying that. I</p> <p>5 didn't even know he was married.</p> <p>6 Q. Isn't it true that you told Les</p> <p>7 that you thought that their sons should get</p> <p>8 together?</p> <p>9 A. Yes.</p> <p>10 Q. And did they -- did Les' son and</p> <p>11 your son get together socially?</p> <p>12 A. Never.</p> <p>13 Q. You indicated that he told you that</p> <p>14 you on some occasion or occasions that you</p> <p>15 looked sexy or beautiful, right? Is that</p> <p>16 something he said to you?</p> <p>17 A. He frequently commented on what I</p> <p>18 wore and my shoes and how sexy they were and</p> <p>19 how beautiful my dress was and how beautiful I</p> <p>20 looked.</p> <p>21 Q. Did you tell him -- did you tell</p> <p>22 him that you didn't want him to say that?</p> <p>23 A. I told him if you want to borrow my</p> <p>24 shoes, you can.</p> <p>25 Q. So, you made a joke about it?</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I wanted him to stop.</p> <p>3 Q. But you didn't tell him to stop?</p> <p>4 A. No.</p> <p>5 Q. You made a joke about it?</p> <p>6 A. I wanted him to stop.</p> <p>7 Q. But you made a joke about it?</p> <p>8 A. I made a comment about it.</p> <p>9 Q. Did anybody else hear Mr. Goodstein</p> <p>10 say that you looked sexy or beautiful?</p> <p>11 A. Yes.</p> <p>12 Q. Who?</p> <p>13 A. Sami Haiman-Marrero.</p> <p>14 Q. And you've told colleagues that you</p> <p>15 think they look sexy or beautiful; have you</p> <p>16 not?</p> <p>17 A. It depends on the context. I</p> <p>18 can't --</p> <p>19 Q. It's a yes or no. You told people</p> <p>20 that?</p> <p>21 A. I can't tell you. I don't know if</p> <p>22 it's a yes or no answer. It's such an</p> <p>23 open-ended question. I may have.</p> <p>24 Q. Well --</p> <p>25 A. It's hard for me to answer that yes</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 or no if you don't give me names and if you</p> <p>3 don't give me context. I'm happy to answer</p> <p>4 that question for you.</p> <p>5 Q. And you knew based on the fact that</p> <p>6 he stopped calling you cha-cha when you let it</p> <p>7 be known to him that you didn't like that, you</p> <p>8 knew he'd stop doing something if you asked</p> <p>9 him, right?</p> <p>10 A. I knew he stopped calling me</p> <p>11 cha-cha after he was told not to.</p> <p>12 Q. So, why did you not tell him to</p> <p>13 stop remarking that you looked sexy or</p> <p>14 beautiful?</p> <p>15 A. What I instead tried to do was</p> <p>16 limit our meetings.</p> <p>17 Q. And did you, in fact, limit the</p> <p>18 meetings?</p> <p>19 A. I met with him when I had to meet</p> <p>20 with him.</p> <p>21 Q. And how often was that during the</p> <p>22 year 2007?</p> <p>23 A. So, if Tempo was coming out on a</p> <p>24 monthly basis, we would meet once a month.</p> <p>25 Q. And where was his office?</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 portion of the section.</p> <p>3 Q. Did he supervise editorial?</p> <p>4 A. No.</p> <p>5 Q. You were responsible for editorial?</p> <p>6 A. Yes.</p> <p>7 Q. And your supervisor from editorial</p> <p>8 standpoint was always Joe Robinowitz at that</p> <p>9 time, right?</p> <p>10 A. What year was that?</p> <p>11 Q. In '06, '07.</p> <p>12 A. I believe it was Joe Robinowitz.</p> <p>13 Q. Were you ever looking to leave The</p> <p>14 New York Post while you were an employee</p> <p>15 there?</p> <p>16 A. I may have.</p> <p>17 Q. Well, I'm not asking you to guess.</p> <p>18 I'm asking you what your -- what the facts</p> <p>19 are. Did you ever look for a job to leave The</p> <p>20 New York Post while you were employed there?</p> <p>21 A. I don't remember that, that I</p> <p>22 actively looked for a job.</p> <p>23 Q. And when you went to the dinner</p> <p>24 that honored Les Goodstein, you were -- was he</p> <p>25 still working on Tempo at the time?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I don't remember.</p> <p>3 Q. Were you required to go to that</p> <p>4 dinner?</p> <p>5 A. Yeah, I was. It was a News Corp.</p> <p>6 event. And they gave away tickets as it was a</p> <p>7 Hispanic event and the editor of Hispanic</p> <p>8 section, one of the many sections that I</p> <p>9 edited, they asked me to go.</p> <p>10 Q. An editor of what?</p> <p>11 A. One of the Hispanic sections. It</p> <p>12 was a Hispanic organization that was having a</p> <p>13 celebration.</p> <p>14 Q. So, it wasn't a News Corp. event,</p> <p>15 right?</p> <p>16 A. He gave money as I understand it as</p> <p>17 a representative of News Corp. corporation,</p> <p>18 not as New York Post.</p> <p>19 Q. The National Hispanic Federation is</p> <p>20 not a News Corp. organization, is it?</p> <p>21 A. It's not. It's a Hispanic</p> <p>22 organization that News Corp. gave money to</p> <p>23 through Les Goodstein.</p> <p>24 Q. Do you recall that event being in</p> <p>25 May of 2009?</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Maybe, I'm not really sure.</p> <p>3 Q. Guzman Exhibit 14 is NYP '792.</p> <p>4 (Defendant's Guzman Exhibit 14,</p> <p>5 document bearing Bates numbers NYP</p> <p>6 '792, marked for identification, as of</p> <p>7 this date.)</p> <p>8 Q. Ms. Guzman, I'm going to tell you</p> <p>9 that this is a document from your calendar</p> <p>10 which you don't have to accept. That's just</p> <p>11 my representation.</p> <p>12 But does this refresh your</p> <p>13 recollection as to when that event was?</p> <p>14 A. Yes.</p> <p>15 Q. So, was it May of 2009?</p> <p>16 A. Yes.</p> <p>17 Q. And was Les Goodstein finished</p> <p>18 working on Tempo by May of 2009?</p> <p>19 A. I believe so.</p> <p>20 Q. Could you have elected not to</p> <p>21 attend that event?</p> <p>22 A. Yes.</p> <p>23 Q. Were you -- when you went, were you</p> <p>24 proud that Les Goodstein, a News Corp.</p> <p>25 affiliated person, was being honored by the</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 National Hispanic Federation?</p> <p>3 A. Proud?</p> <p>4 Q. Yes.</p> <p>5 A. I don't know if I would say proud.</p> <p>6 Q. How did you feel about it?</p> <p>7 A. I was happy that a great Hispanic</p> <p>8 organization that helps the impoverished and</p> <p>9 the needy was receiving monies to do their</p> <p>10 work.</p> <p>11 Q. How did you feel about Les</p> <p>12 Goodstein being honored that night?</p> <p>13 A. Kind of surprised.</p> <p>14 Q. But did you think that he didn't</p> <p>15 warrant being honored by the Hispanic</p> <p>16 Federation?</p> <p>17 A. No, if I --</p> <p>18 Q. If you'd known he was responsible</p> <p>19 for saving Tempo from closure in 2006, would</p> <p>20 that have changed your mind?</p> <p>21 MR. THOMPSON: Objection.</p> <p>22 A. This man sexually harassed me every</p> <p>23 opportunity he got and he did it on repeated</p> <p>24 occasions and helping save Tempo didn't give</p> <p>25 him the right to do that to me.</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Ms. Guzman, my question was if</p> <p>3 you'd known he was responsible for saving</p> <p>4 Tempo from closure in 2006, would that have</p> <p>5 changed your mind about him being honored?</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. It's my opinion, no.</p> <p>8 Q. And to be clear, the sexual</p> <p>9 harassment by Les Goodstein that you're</p> <p>10 referring to is the way he looked at you and</p> <p>11 the way he looked at other women and his</p> <p>12 calling you sexy and beautiful?</p> <p>13 A. And commenting on my shoes and on</p> <p>14 my body, on my body.</p> <p>15 Q. Okay.</p> <p>16 Conduct that you never asked him to</p> <p>17 stop doing, right?</p> <p>18 A. I was afraid to ask him to stop</p> <p>19 doing it.</p> <p>20 Q. So, you didn't ask him to stop,</p> <p>21 right?</p> <p>22 A. No.</p> <p>23 Q. Did you know somebody named Michael</p> <p>24 Riedel?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. He's The New York Post Broadway</p> <p>3 critic?</p> <p>4 A. Yes.</p> <p>5 Q. Would you consider him a likeable</p> <p>6 person?</p> <p>7 A. Yes.</p> <p>8 Q. Would you consider him your friend?</p> <p>9 A. No.</p> <p>10 Q. Well, is he someone you're</p> <p>11 comfortable asking a favor of?</p> <p>12 A. I'm not sure what do you mean by</p> <p>13 favor.</p> <p>14 Q. You asked to speak to him about a</p> <p>15 friend of yours who was an actress as to</p> <p>16 whether or not he could help her when a</p> <p>17 production West Side Story was being cast,</p> <p>18 didn't you?</p> <p>19 A. No.</p> <p>20 Q. Please take a look at Guzman</p> <p>21 Exhibit 15.</p> <p>22 This is an e-mail Bates number NYP</p> <p>23 '1781.</p> <p>24 (Defendant's Guzman Exhibit 15,</p> <p>25 document bearing Bates number NYP</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 '1781, marked for identification, as</p> <p>3 of this date.)</p> <p>4 MR. THOMPSON: Could you give him</p> <p>5 another copy?</p> <p>6 Q. Ms. Guzman, is this an e-mail that</p> <p>7 you sent to Michael Riedel on October 2008?</p> <p>8 A. Yes.</p> <p>9 Q. And did you say "PS, do you know</p> <p>10 whose casting the show? My friend, the</p> <p>11 actress that I mentioned to you, is</p> <p>12 interested"?</p> <p>13 A. Yes.</p> <p>14 Q. And you told him that you wanted to</p> <p>15 chat about West Side Story, right?</p> <p>16 A. Yes.</p> <p>17 Q. So, you were comfortable talking to</p> <p>18 him; were you not?</p> <p>19 A. I was comfortable talking to him.</p> <p>20 Q. And you were comfortable asking him</p> <p>21 about who was casting West Side Story, right?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever call him baby in the</p> <p>24 office?</p> <p>25 A. I'm not sure I called him baby.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. You're here to be deposed about</p> <p>3 this case and you're going to need to state</p> <p>4 your recollection as to whether or not you --</p> <p>5 A. I understand.</p> <p>6 Q. -- you called him baby?</p> <p>7 MR. THOMPSON: Objection.</p> <p>8 A. And I'm telling you that I'm not</p> <p>9 sure if I called him baby.</p> <p>10 Q. Ms. Guzman, it is not -- it is not</p> <p>11 avoiding lying under oath by saying you don't</p> <p>12 recall something --</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 Q. That you don't want to give the</p> <p>15 answer to.</p> <p>16 MR. THOMPSON: Objection.</p> <p>17 Q. If you did something and you say --</p> <p>18 and you know it and you say that you don't</p> <p>19 remember, that's lying, Ms. Guzman.</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 A. If I would recall having called him</p> <p>22 babe, I would tell you yes, but because I</p> <p>23 don't recall, I can't tell you yes. And</p> <p>24 that's an honest answer.</p> <p>25 Q. Were you friendly with him in the</p>

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1 SANDRA GUZMAN-10/13/11
2 office?

3 A. Yes.

4 Q. Did you consider him somebody that
5 harassed you?

6 A. Yes.

7 Q. And that harassment stemmed from
8 his singing a song from West Side Story; is
9 that correct?

10 A. He sang in a Spanish accent, "I
11 want to live in America" every time he would
12 walk past my office or into my office.

13 Q. And you consider that racial
14 harassment, Ms. Guzman?

15 A. Yes.

16 Q. From the Broadway critic, from The
17 New York Post, right?

18 A. Was he singing that to other
19 people?

20 Q. Ms. Guzman, you don't get to ask
21 questions.

22 MR. THOMPSON: She was explaining
23 her answer, Mr. Lerner. You don't get
24 to cut her off in the middle of an
25 answer.

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1 SANDRA GUZMAN-10/13/11

2 A. He talked about how much he liked
3 West Side Story. I'm not such a big fan of
4 West Side Story.

5 Q. And did you think, Ms. Guzman, when
6 he was doing this that Michael Riedel was
7 doing this to harass you in a racially
8 harassing way, in a hateful way?

9 A. Yes.

10 MR. THOMPSON: Objection.

11 Q. You believe that Mr. Riedel hated
12 you because you were Hispanic?

13 MR. THOMPSON: Objection.

14 A. I think he was making fun of my
15 people and he didn't sing any Jewish tunes.
16 He didn't sing any other tunes to me. So, he
17 wasn't expressing his knowledge of all these
18 Broadway tunes. Why was he specifically
19 singing to me in the Spanish accent, the tunes
20 of West Side Story?

21 Q. Well, did you know that West Side
22 Story -- that the production of West Side
23 Story that was most recently brought on
24 Broadway was a production that utilized
25 Spanish speaking actors and was much more

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1 SANDRA GUZMAN-10/13/11

2 Q. Did he sing other songs in the
3 office besides songs from West Side Story?

4 A. The only tunes he sang were from
5 West Side Story, and he did it in a Spanish
6 accent.

7 Q. You never heard him sing from other
8 musicals in the office, Ms. Guzman?

9 A. Not to me.

10 Q. Not to you, but what about to
11 himself or to other people. You never heard
12 him sing another song from another musical?

13 MR. THOMPSON: You have to answer
14 verbally.

15 A. No.

16 Q. Isn't it a fact that he would sing
17 songs from lots of Broadway musicals?

18 A. Not to me.

19 Q. Where was he when he was singing
20 songs from West Side Story?

21 A. On the ninth floor in front of my
22 office or inside my office, as he was walking
23 into my office.

24 Q. Did you and he talk about how much
25 you both liked West Side Story?

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1 SANDRA GUZMAN-10/13/11

2 heavy -- much more heavy used Spanish than
3 prior productions of West Side Story? Did you
4 know that?

5 A. Yes.

6 Q. And the actors and actresses spoke
7 their lines with Spanish accent?

8 A. In the original version they did.

9 Q. And in the current production of
10 West Side Story that was current at that time,
11 they did as well; did they not?

12 A. I did not see it.

13 Q. But wasn't that sort of a famously
14 talked about, about this particular
15 production, that it heavily emphasized the
16 Spanish language?

17 MR. THOMPSON: Objection.

18 A. West Side Story is famously racist
19 and stereotypical of Puerto Ricans.

20 Q. Did you tell Mr. Riedel that you
21 believed that?

22 A. Yes.

23 Q. What did you say to him?

24 A. I said, do you realize how racist
25 West Side Story is.

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And when did you say that?</p> <p>3 A. When he would sing these songs.</p> <p>4 Q. Did you ask him to stop singing</p> <p>5 these songs?</p> <p>6 A. I did not.</p> <p>7 Q. And did you think he was -- did he</p> <p>8 seem happy when he was singing these songs?</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 A. I don't know.</p> <p>11 Q. I mean, was he in a good mood when</p> <p>12 he was singing them or was he in a bad mood</p> <p>13 when he was singing them?</p> <p>14 MR. THOMPSON: Objection.</p> <p>15 A. I don't know.</p> <p>16 Q. What was your impression of him?</p> <p>17 A. That he was making fun of my</p> <p>18 culture. That he was making fun of my people.</p> <p>19 Q. Why; why?</p> <p>20 MR. THOMPSON: Objection. She's</p> <p>21 not finished answering. You must let</p> <p>22 her answer. Please don't interrupt</p> <p>23 her. Are you finished, Ms. Guzman?</p> <p>24 THE WITNESS: No.</p> <p>25 MR. THOMPSON: Please continue.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. When you choose one of the racially</p> <p>3 controversial Broadway musicals in the history</p> <p>4 of Broadway where Puerto Ricans are portrayed</p> <p>5 as criminals. Where they speak -- where they</p> <p>6 show switchblades, okay, and it's the only</p> <p>7 Broadway show, and the only Broadway tune that</p> <p>8 you choose to sing to the only Hispanic female</p> <p>9 editor every time you approach her, I</p> <p>10 thought -- I thought this man is making fun of</p> <p>11 my people. I thought this is discriminatory.</p> <p>12 Q. How many times did he do it?</p> <p>13 A. Many, many times?</p> <p>14 Q. How many?</p> <p>15 A. Many, many times.</p> <p>16 Q. How many?</p> <p>17 A. I'm not going to give you a number</p> <p>18 because he did it many, many, many times.</p> <p>19 Q. And other than the fact that he did</p> <p>20 it many times, what makes you think that he</p> <p>21 was doing it to make fun of you?</p> <p>22 A. Because he did not choose any other</p> <p>23 Broadway musical to sing to me. The only</p> <p>24 musical that he sang to me -- the only song he</p> <p>25 kept singing to me was "How I Want To Live in</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 America". And he sang it with a stupid</p> <p>3 Spanish accent.</p> <p>4 Q. Well, isn't that -- isn't that</p> <p>5 accent, the accent that was used by the</p> <p>6 actresses that sang that song in the Broadway</p> <p>7 production that was cast at this time?</p> <p>8 A. We're talking about the way he was</p> <p>9 singing. It was the way the original</p> <p>10 version -- I did not see the -- I don't</p> <p>11 remember seeing the new musical, the new --</p> <p>12 Q. Go ahead.</p> <p>13 A. The new musical. I was offended</p> <p>14 that every time Michael went into my office</p> <p>15 that's the song that he chose to sing to me in</p> <p>16 a Spanish accent. He never chose to sing a</p> <p>17 song from Phantom of the Opera. He never</p> <p>18 chose to sing a song from Wicked or Rent.</p> <p>19 Why did he choose to sing "I Want</p> <p>20 To Live In America" where, you know, on this</p> <p>21 Broadway show, Puerto Ricans are depicted in</p> <p>22 such a negative light.</p> <p>23 Q. Perhaps because it's one of the</p> <p>24 famous tunes to come out of Broadway.</p> <p>25 A. I don't know. I felt it was</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 racist.</p> <p>3 Q. Ms. Guzman, you never saw "I Want</p> <p>4 To Live In America" performed by the cast of</p> <p>5 West Side Story in the last few years?</p> <p>6 A. I don't remember if I saw -- I may</p> <p>7 have seen -- I don't really remember if I saw</p> <p>8 the original version. Maybe I have seen it.</p> <p>9 Q. Isn't it --</p> <p>10 A. Yeah.</p> <p>11 Q. You were the editor of the</p> <p>12 Thanksgiving parade issue -- the last</p> <p>13 Thanksgiving parade issue before you left The</p> <p>14 Post; were you not?</p> <p>15 A. I believe so.</p> <p>16 Q. Was "I Want To Live In America"</p> <p>17 performed by the cast of West Side Story</p> <p>18 during the Thanksgiving Day parade? Did you</p> <p>19 see that?</p> <p>20 A. The performance? Did I see the</p> <p>21 performance?</p> <p>22 Q. Yes.</p> <p>23 A. Of the West Side Story?</p> <p>24 Q. Of "I Want To Live In America" by</p> <p>25 the cast of West Side Story?</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I didn't go to the parade.</p> <p>3 Q. Did you watch it on television?</p> <p>4 A. Probably not. I was probably</p> <p>5 cooking.</p> <p>6 Q. Aren't you a fan of Chita Rivera's</p> <p>7 performance in the original Broadway</p> <p>8 production?</p> <p>9 A. I'm a fan of Chita Rivera in</p> <p>10 general.</p> <p>11 Q. Isn't she famously known to for her</p> <p>12 performance in the role of singing "I Want To</p> <p>13 Live In America"?</p> <p>14 A. It's not one of my favorite roles</p> <p>15 that she did.</p> <p>16 Q. Has Mr. Riedel ever done anything</p> <p>17 else to offend you besides this?</p> <p>18 A. Not that I can think of at this</p> <p>19 time.</p> <p>20 Q. And was he the Broadway critic for</p> <p>21 the Washington -- for the -- sorry; New York</p> <p>22 Post for the entire time that you were at The</p> <p>23 New York Post?</p> <p>24 A. There was an another theater</p> <p>25 critic.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. But Mr. Riedel was there?</p> <p>3 A. He was the main -- the main</p> <p>4 Broadway theater critic.</p> <p>5 Q. And you were there for seven years,</p> <p>6 correct?</p> <p>7 A. I was there from 2003 to 2009.</p> <p>8 Q. And in all of that time, this is</p> <p>9 the one thing that he did that offended you,</p> <p>10 right?</p> <p>11 A. Every time I saw him that's the --</p> <p>12 these are the songs that he chose to sing to</p> <p>13 me.</p> <p>14 Q. But you never asked him to stop?</p> <p>15 A. I would just steer him in a</p> <p>16 different kind of conversation. What's up.</p> <p>17 Tell me about what's happening on Broadway.</p> <p>18 Q. Did you ever socialize with him</p> <p>19 outside the workplace?</p> <p>20 A. I don't remember, no.</p> <p>21 Q. Did you ever go to Langan's with</p> <p>22 him?</p> <p>23 A. No, I never walked out and -- maybe</p> <p>24 I was at Langan's and I was there, but I don't</p> <p>25 remember.</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Did you ever do karaoke night at</p> <p>3 Langan's?</p> <p>4 A. I never did karaoke night at</p> <p>5 Langan's, no.</p> <p>6 Q. Did you ever sing with Mr. Riedel</p> <p>7 at Langan's?</p> <p>8 A. No.</p> <p>9 Q. Where -- how far away was his</p> <p>10 office -- from your office on the ninth floor</p> <p>11 of The Post?</p> <p>12 A. So, Mr. Riedel did not have an</p> <p>13 office. He had a cubicle. So, I had an</p> <p>14 office. And if I yelled at him to come to me</p> <p>15 standing in my office, he probably would not</p> <p>16 have been able to hear me. That's how far it</p> <p>17 was. Or if he yelled at me to come to him or</p> <p>18 asked me to come from his cubicle, I would not</p> <p>19 be able to hear him.</p> <p>20 Q. Did you have to pass him on your</p> <p>21 way to the restroom?</p> <p>22 A. No.</p> <p>23 Q. Did he have to pass you on the way</p> <p>24 to his restroom?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And did he sing -- your testimony</p> <p>3 is that he sang every time he passed by your</p> <p>4 office?</p> <p>5 A. Most of the time he would peek in</p> <p>6 and that was his favorite thing to say to me.</p> <p>7 Instead of saying, hi, Sandra, how are you</p> <p>8 today, he would sing the stupid song in a</p> <p>9 stupid accent.</p> <p>10 Q. And can you give us your best</p> <p>11 estimate as to how many times he did that?</p> <p>12 MR. THOMPSON: Objection.</p> <p>13 A. I don't want to estimate, Mr.</p> <p>14 Lerner. I think I don't want to be wrong.</p> <p>15 But it was many, many times when he was in the</p> <p>16 office and I was in the office and my door was</p> <p>17 open.</p> <p>18 Q. Well, was it more or less than a</p> <p>19 dozen times?</p> <p>20 A. I'm not going to give you a number.</p> <p>21 Q. You cannot tell us that it was more</p> <p>22 or less than a dozen?</p> <p>23 A. I could tell you it was many, many</p> <p>24 times.</p> <p>25 Q. But it could be less than a dozen?</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. No, I could tell you that it was</p> <p>3 many, many times.</p> <p>4 Q. You couldn't tell us if it was more</p> <p>5 or less than a dozen?</p> <p>6 A. Less than a dozen is not many</p> <p>7 times. Many, many times.</p> <p>8 Q. You said in 54 of the Amended</p> <p>9 Complaint that a woman you later identified as</p> <p>10 Anne --</p> <p>11 MR. THOMPSON: Paragraph 54, page</p> <p>12 12.</p> <p>13 Q. Ms. Guzman, I have one more</p> <p>14 question regarding Mr. Riedel.</p> <p>15 A. Okay.</p> <p>16 Q. Did you ever complain to human</p> <p>17 resources about Mr. Riedel singing songs from</p> <p>18 West Side Story to you?</p> <p>19 A. I complained to Rick Ramirez about</p> <p>20 this.</p> <p>21 Q. Rick Ramirez is not near post HR?</p> <p>22 A. Rick Ramirez is a lawyer for News</p> <p>23 Corp. and he works in the diversity Counsel.</p> <p>24 Q. Based in California?</p> <p>25 A. And he would often call me and</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 often visit.</p> <p>3 Q. Based in California, right?</p> <p>4 A. Yes.</p> <p>5 Q. And did you ever tell Jennifer Jehn</p> <p>6 or Amy Scialdone, Linda Babajko or anybody</p> <p>7 else in New York Post HR that you were</p> <p>8 offended by Mr. Riedel singing this song?</p> <p>9 A. When I met with Jennifer Jehn in</p> <p>10 February, it was my opportunity to tell her</p> <p>11 about many different incidents, and I believe</p> <p>12 I mentioned that incident to her.</p> <p>13 Q. Prior to the publication of the</p> <p>14 cartoon, did you ever tell anybody about it,</p> <p>15 anybody from HR?</p> <p>16 A. No, but I told this lawyer who</p> <p>17 worked for News Corp.</p> <p>18 Q. Did you ask him to follow-up about</p> <p>19 it?</p> <p>20 A. I told him. I didn't ask him. You</p> <p>21 keep showing me these News Corp. employment</p> <p>22 rules. It says that you have to report it.</p> <p>23 Does it say that I have to ask them to report</p> <p>24 it? Does it say that I have to ask them to</p> <p>25 report it or just to notify?</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Ms. Guzman, I'm not here to answer</p> <p>3 any questions from you.</p> <p>4 A. Oh, okay. Okay.</p> <p>5 Q. You just need to answer the</p> <p>6 questions that are put to you?</p> <p>7 A. Okay, okay.</p> <p>8 Q. Did you ever put anything about</p> <p>9 Mr. Riedel offending you in a written</p> <p>10 complaint?</p> <p>11 A. No.</p> <p>12 Q. So, in 54 of the Amended Complaint,</p> <p>13 you state that, "A woman asked you if scented</p> <p>14 candles in your office were related to the</p> <p>15 religion of Santería, right?</p> <p>16 A. Yes.</p> <p>17 Q. That was Anne Aquilina?</p> <p>18 A. Yes.</p> <p>19 Q. Can you tell us who Anne Aquilina</p> <p>20 is?</p> <p>21 A. She is an editor at The New York</p> <p>22 Post.</p> <p>23 Q. And how old is Ms. Aquilina?</p> <p>24 MR. THOMPSON: Objection.</p> <p>25 A. I'm not really sure. She's maybe</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 in her sixties. I'm not really sure.</p> <p>3 Q. Do you practice in your personal</p> <p>4 life elements of the religion of Santería?</p> <p>5 A. Elements of the Santería? What do</p> <p>6 you mean?</p> <p>7 Q. Yes. You practice -- you engage in</p> <p>8 practices that are related to the religion of</p> <p>9 Santería, correct?</p> <p>10 A. I don't understand the question.</p> <p>11 What are you --</p> <p>12 Q. Do you practice the religion,</p> <p>13 Santería?</p> <p>14 A. I do not practice the religion.</p> <p>15 I'm not an initiate of Santería.</p> <p>16 Q. But do you have some practices that</p> <p>17 derive from that religion?</p> <p>18 A. Do I have some practices? I'm not</p> <p>19 really sure what you're asking me. Am I a</p> <p>20 practitioner of Santería, no.</p> <p>21 Q. My question was, and I can read it</p> <p>22 back, do you have some practices that derive</p> <p>23 from that religion?</p> <p>24 MR. THOMPSON: Objection.</p> <p>25 A. I have different practices and</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 that's one of them.</p> <p>3 Q. Santería was your religion in early</p> <p>4 childhood, right?</p> <p>5 A. No.</p> <p>6 Q. Well, did you write in The Latina's</p> <p>7 Bible that Santería was your religion in your</p> <p>8 early childhood?</p> <p>9 A. Catholicism was my grandmother --</p> <p>10 practiced it.</p> <p>11 Q. Well, your grandmother practiced</p> <p>12 Santería?</p> <p>13 A. Um-hum.</p> <p>14 MR. THOMPSON: You have to answer</p> <p>15 verbally.</p> <p>16 A. Yes, yes.</p> <p>17 Q. Did you write, "my emerging faith</p> <p>18 also brought me back to the African roots of</p> <p>19 my early childhood religion, Santería, and</p> <p>20 Espiritismo?</p> <p>21 A. Yes, I wrote that.</p> <p>22 Q. So, Santería is one of your early</p> <p>23 childhood religions?</p> <p>24 A. It brought me back to it, but that</p> <p>25 doesn't mean that I practiced it.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Well, the question was what you --</p> <p>3 whether it was part of your early childhood?</p> <p>4 A. Yes.</p> <p>5 Q. And have you written that your</p> <p>6 lifestyle reflects a culmination of old world</p> <p>7 beliefs and new American ways and that you</p> <p>8 light candles to your Santos and Virginsitas?</p> <p>9 A. Yes.</p> <p>10 Q. And that you have a spiritual</p> <p>11 practice that borrows from Santería?</p> <p>12 A. Yes.</p> <p>13 Q. When did the conversation with</p> <p>14 Ms. Aquilina you referred to in the Complaint</p> <p>15 occur?</p> <p>16 A. I don't remember the exact date.</p> <p>17 Q. Do you remember the year?</p> <p>18 A. I'm not really sure.</p> <p>19 Q. Was anyone else present?</p> <p>20 A. She was walking by my office.</p> <p>21 Q. What did she say?</p> <p>22 A. I had lit a candle, a scented</p> <p>23 candle because the office was smelly and she</p> <p>24 peered in she said, oh, is that a Santería</p> <p>25 candle. Is that voodoo.</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Kind of, like, again, making fun of</p> <p>3 a scented candle that was lit in the office to</p> <p>4 make the office smell better. She equated it</p> <p>5 to something mysterious and kind of, like,</p> <p>6 weird.</p> <p>7 Q. And your testimony is that you</p> <p>8 thought she was making fun of you?</p> <p>9 A. I thought she was making fun of a</p> <p>10 religion, a legitimate religion.</p> <p>11 Q. Was she making fun of you?</p> <p>12 A. And I felt she was making fun of me</p> <p>13 because I had lit the candle and it was in my</p> <p>14 office.</p> <p>15 Q. You think she meant to say</p> <p>16 something that disturbed you or do you think</p> <p>17 she meant it innocently?</p> <p>18 A. I don't think she meant to law it,</p> <p>19 to celebrate it. I she meant it to make fun</p> <p>20 of me.</p> <p>21 Q. In your Complaint, paragraph 54,</p> <p>22 you write that a high ranking white editor</p> <p>23 falsely accused you of engaging in Santería, a</p> <p>24 term intended to demean certain Hispanic and</p> <p>25 African religions by suggesting that her</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 scented candles represented witchcraft and</p> <p>3 voodoo.</p> <p>4 Do you see that?</p> <p>5 A. I see it.</p> <p>6 Q. Do you believe that this term</p> <p>7 "Santeria" itself is intended to demean</p> <p>8 certain Hispanic and African religion?</p> <p>9 A. It depends what context it's used,</p> <p>10 but, yes.</p> <p>11 Q. Do you have reason to believe that</p> <p>12 Ms. Aquilina used the word "Santeria" to</p> <p>13 demean the Hispanic and African religion?</p> <p>14 A. If she -- the way she said it and</p> <p>15 if she equates it with voodoo, yes.</p> <p>16 Q. Well, you didn't quote her in the</p> <p>17 Complaint as referring to voodoo, did you?</p> <p>18 A. It's not in the Complaint.</p> <p>19 Q. Ms. Guzman, is it common to see</p> <p>20 employees at The New York Post burn candles in</p> <p>21 their office?</p> <p>22 A. Common? What do you mean by</p> <p>23 "common"?</p> <p>24 Q. Well, I mean when you walk around</p> <p>25 an office, you know, an office situation,</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 typically, do you see people burning candles</p> <p>3 in their offices?</p> <p>4 A. Some in the features department did</p> <p>5 on the ninth floor.</p> <p>6 Q. Did you think it was appropriate to</p> <p>7 light a candle in your office?</p> <p>8 A. Yes. A scented candle, yes.</p> <p>9 Q. Was Ms. Aquilina aware that you</p> <p>10 practiced Santería?</p> <p>11 MR. THOMPSON: Objection.</p> <p>12 A. I don't know.</p> <p>13 Q. Did you ask her what she meant by</p> <p>14 her comment?</p> <p>15 A. No.</p> <p>16 Q. Did you tell her you were offended</p> <p>17 by it?</p> <p>18 A. No.</p> <p>19 Q. Did it ever happen again?</p> <p>20 A. No.</p> <p>21 Q. Did you complain to anybody about</p> <p>22 it when it happened?</p> <p>23 A. This is part of the patterns that I</p> <p>24 kept seeing coming up in my experience in the</p> <p>25 environment at The Post. Yes, I did.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Who did you complain to?</p> <p>3 A. I mention I complained about the</p> <p>4 incident to Rick, to Mitsy, actually, Wilson</p> <p>5 and several other people.</p> <p>6 Q. You specifically mentioned</p> <p>7 Ms. Aquilina in your conversations with Rick</p> <p>8 and Mitsy?</p> <p>9 A. Yes.</p> <p>10 Q. And did you tell them that you</p> <p>11 thought this was some sort of harassment?</p> <p>12 A. I thought it was discriminatory</p> <p>13 because --</p> <p>14 Q. No, no, no. My question is: Did</p> <p>15 you tell them that you thought that it was</p> <p>16 harassment?</p> <p>17 A. Yes.</p> <p>18 Q. Did they agree with you? Did they</p> <p>19 react?</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 A. They seemed to at the time.</p> <p>22 Q. Did you ever complain in writing</p> <p>23 about it?</p> <p>24 A. No.</p> <p>25 Q. Did you take any notes about it?</p>
Page 232	Page 233
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I don't remember taking notes about</p> <p>3 it.</p> <p>4 Q. Did you ever take any notes about</p> <p>5 your complaint about Michael Riedel and West</p> <p>6 Side Story?</p> <p>7 A. I don't remember, no.</p> <p>8 Q. You testified that a female editor</p> <p>9 referred to Henry Louis Gates as an angry</p> <p>10 black man in the office; do you recall that?</p> <p>11 A. What paragraph is that?</p> <p>12 Q. I don't know, but do you recall</p> <p>13 making that allegation?</p> <p>14 A. Oh, yes.</p> <p>15 Q. Were you present for her statement?</p> <p>16 A. I was not.</p> <p>17 Q. Did you hear any part of the</p> <p>18 statement?</p> <p>19 A. No.</p> <p>20 Q. Did somebody tell you about it?</p> <p>21 A. Someone told me about it.</p> <p>22 Q. Who was that?</p> <p>23 A. Ebony Clark.</p> <p>24 Q. Have you ever worked with</p> <p>25 Ms. Ramsby?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. No.</p> <p>3 Q. Do you know her position at The</p> <p>4 Post?</p> <p>5 A. She was the Sunday editor at the</p> <p>6 time where I worked. And I believe she was</p> <p>7 promoted to -- I don't know the exact title,</p> <p>8 but to work in The Daily News paper.</p> <p>9 Q. Have you ever spoken to her about</p> <p>10 Henry Louis Gates?</p> <p>11 A. No.</p> <p>12 Q. Have you ever spoken to her about</p> <p>13 race?</p> <p>14 A. No.</p> <p>15 Q. Has she ever called you a racial</p> <p>16 name?</p> <p>17 A. No.</p> <p>18 Q. Have you ever filed any complaints</p> <p>19 about her?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of anybody else</p> <p>22 complaining about Ms. Ramsby?</p> <p>23 A. I'm sorry, I didn't hear the</p> <p>24 question.</p> <p>25 Q. Are you aware of anybody else</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Mr. Riedel was making fun of me and</p> <p>3 my culture.</p> <p>4 Q. And you're not making fun of rich,</p> <p>5 clueless white women?</p> <p>6 A. No, I'm not making fun of them, I'm</p> <p>7 commenting.</p> <p>8 Q. And you're calling them biatches</p> <p>9 right? Isn't that sexist, Ms. Guzman? Isn't</p> <p>10 that sexist?</p> <p>11 A. You have to understand the context</p> <p>12 that I was saying this in. It's difficult for</p> <p>13 me to answer it. So, if you give me the paper</p> <p>14 trail about this, I can tell you more about</p> <p>15 it. This happened in 2008 and it seemed like</p> <p>16 an exchange between Paul Armstrong and I and</p> <p>17 I'm trying to understand the entire context.</p> <p>18 Q. Me too, Ms. Guzman.</p> <p>19 MR. THOMPSON: Objection.</p> <p>20 Q. Is there any context, Ms. Guzman,</p> <p>21 in which it would be appropriate to refer to</p> <p>22 the ridiculousness of rich, clueless Hispanic</p> <p>23 women or rich, clueless African-American</p> <p>24 women, a context when that would be</p> <p>25 appropriate?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. When I'm making an observation</p> <p>3 about a story and I don't know of rich</p> <p>4 celebrities that adopt babies and don't take</p> <p>5 care of them. And they're wealthy, and they</p> <p>6 don't treat their babies right. They don't</p> <p>7 take care of them. I can see myself saying</p> <p>8 something like that. They're Hispanic.</p> <p>9 They're white.</p> <p>10 Q. But their race would be irrelevant</p> <p>11 to that, wouldn't it?</p> <p>12 A. Like I said, this would -- this is,</p> <p>13 apparently, referring to a piece where the</p> <p>14 women were white.</p> <p>15 Q. So when Col Allan made an</p> <p>16 observation about Pedro Martinez, it wasn't</p> <p>17 okay, but it's okay for you to stereotype?</p> <p>18 A. Col Allan is the editor of a paper</p> <p>19 and setting the standard for how everybody is</p> <p>20 going to behave and think. I think he gives</p> <p>21 them clues.</p> <p>22 Q. So, you hold him to a different</p> <p>23 standard than you hold yourself; is that</p> <p>24 correct?</p> <p>25 A. He is leading a newspaper.</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Ms. Guzman, one of the other</p> <p>3 allegations is that you would hear men on</p> <p>4 the -- men at The Post make comment about</p> <p>5 female body parts. You recall that</p> <p>6 allegation?</p> <p>7 A. Yes.</p> <p>8 Q. So, who made remarks other than</p> <p>9 what you've testified here today, about Mr.</p> <p>10 Goodstein earlier, can you tell us who made</p> <p>11 remarks about female body parts at The Post?</p> <p>12 A. I would be walking by the newsroom</p> <p>13 and it would be banter in the newsroom talking</p> <p>14 about Jenna Jameson's breasts and other</p> <p>15 celebrities. Lindsay Lohan's breasts, were</p> <p>16 they real or were they not. Talking about</p> <p>17 stripper jokes. These -- this was an</p> <p>18 environment where lewd and vulgar exchange</p> <p>19 between mostly men happened.</p> <p>20 Q. They included women sometimes?</p> <p>21 A. I'm not sure.</p> <p>22 Q. And did you -- and did you ever</p> <p>23 hear somebody make -- in the newsroom make a</p> <p>24 comment about another employee's breasts?</p> <p>25 A. Not that I can recall.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Did you ever hear anyone make a</p> <p>3 comment about your breasts?</p> <p>4 A. In the newsroom as I was walking</p> <p>5 about by?</p> <p>6 Q. Yes.</p> <p>7 A. Not that I can recall, but the</p> <p>8 environment felt very uncomfortable to me as a</p> <p>9 woman.</p> <p>10 Q. And did anybody -- as you walked</p> <p>11 through the newsroom, did you ever have the</p> <p>12 experience of somebody calling out to you and</p> <p>13 making a comment about your body or your body</p> <p>14 parts?</p> <p>15 A. No.</p> <p>16 Q. Did you ever ask anybody who you</p> <p>17 overheard talking about a celebrity's body to</p> <p>18 stop talking about it because it offended you?</p> <p>19 A. No.</p> <p>20 Q. Prior to your conversation with</p> <p>21 Ms. Jehn after the monkey cartoon was</p> <p>22 published, did you ever complain to HR about</p> <p>23 that?</p> <p>24 A. No.</p> <p>25 MR. THOMPSON: Objection.</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 MR. LERNER: All right. I think</p> <p>3 we can take a short break.</p> <p>4 A. Okay.</p> <p>5 THE VIDEOGRAPHER: The time is</p> <p>6 5:07 p.m. We're going off the record.</p> <p>7 (Whereupon, at this time, a</p> <p>8 short break was taken.)</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 5:27 p.m. We're back on the record,</p> <p>11 video number five.</p> <p>12 BY MR. LERNER:</p> <p>13 Q. Ms. Guzman, when did you relocate</p> <p>14 from the tenth floor to the ninth floor of The</p> <p>15 Post?</p> <p>16 A. I'm not really sure what year.</p> <p>17 Maybe it was -- can I -- 2000 -- I'm not</p> <p>18 really sure.</p> <p>19 Q. Why were you why did you relocate?</p> <p>20 A. From the tenth floor to the ninth</p> <p>21 floor?</p> <p>22 Q. Yes.</p> <p>23 A. Why was I relocated?</p> <p>24 Q. Yes.</p> <p>25 A. Space issues.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And can you -- can you estimate how</p> <p>3 many years you were located on the ninth floor</p> <p>4 before your termination?</p> <p>5 A. In the news room?</p> <p>6 Q. Sorry, where was it that you had</p> <p>7 your own office, ninth or tenth floor?</p> <p>8 A. Ninth floor.</p> <p>9 Q. That's where you ended -- that's</p> <p>10 where you were when your employment ended,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. So, approximately how many years</p> <p>14 were you in your ninth floor office?</p> <p>15 A. Before the office, I was in a</p> <p>16 cubicle.</p> <p>17 Q. Okay.</p> <p>18 A. So, you mean in the ninth floor in</p> <p>19 general?</p> <p>20 Q. Yes.</p> <p>21 A. Maybe five years.</p> <p>22 Q. Okay. So most of your time at The</p> <p>23 Post, you were located on the ninth floor,</p> <p>24 correct?</p> <p>25 A. Yes.</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And when you were located on the</p> <p>3 tenth floor -- withdrawn.</p> <p>4 Did your floor change because your</p> <p>5 job changed or was it the same job and you</p> <p>6 just changed offices?</p> <p>7 A. I've always been an associate. My</p> <p>8 job did not change.</p> <p>9 Q. Did your assignment change?</p> <p>10 A. My assignment changed.</p> <p>11 Q. Is that why you went from the tenth</p> <p>12 floor to the ninth floor?</p> <p>13 A. It was because of space. Space.</p> <p>14 Q. So, your assignment did not change?</p> <p>15 A. No, my assignment continued to</p> <p>16 change as I evolved as I worked at The Post.</p> <p>17 Q. But the reason that you moved to</p> <p>18 the ninth floor was space?</p> <p>19 A. That's what I was told, space.</p> <p>20 Q. And when you were on the tenth</p> <p>21 floor, were you in a cubicle?</p> <p>22 A. On the tenth floor, no, it's an</p> <p>23 open space.</p> <p>24 Q. Were you in a cubicle?</p> <p>25 A. No.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Isn't a cubicle consistent with an</p> <p>3 open space?</p> <p>4 A. No, it's an open space. It's an --</p> <p>5 it's an open space. The newsroom where I was,</p> <p>6 the news hub, is an open space.</p> <p>7 Q. So, you had a desk, but no</p> <p>8 partitions?</p> <p>9 A. No partitions.</p> <p>10 Q. And when you were located on the</p> <p>11 tenth floor at your desk, was that in the same</p> <p>12 room as the newsroom?</p> <p>13 A. Yes.</p> <p>14 Q. And did you ever make a complaint</p> <p>15 to human resources about the things you heard</p> <p>16 in the newsroom when you were located on the</p> <p>17 tenth floor?</p> <p>18 A. Did I complain to HR about the</p> <p>19 things I heard in the newsroom?</p> <p>20 Q. Yes.</p> <p>21 A. No.</p> <p>22 Q. When you moved to the ninth floor</p> <p>23 you started at a desk or cubicle?</p> <p>24 A. Yes.</p> <p>25 Q. Which?</p>

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1 SANDRA GUZMAN-10/13/11
2 tell you not to come to any of them or did he
3 dismiss you from a particular meeting and you
4 stopped going after that?

5 A. He dismissed me from that meeting.

6 Q. From that meeting?

7 A. And I understood that he didn't
8 need me at those meetings anymore.

9 Q. Did you follow up with him and
10 say -- and ask him?

11 A. No.

12 Q. So, based on his dismissal of you
13 from a particular meeting, you concluded that
14 he didn't need you at any of the other
15 meetings and you stopped going?

16 A. Yes.

17 Q. Did you ever discuss your decision
18 to stop going to those meetings with
19 Mr. Robinowitz?

20 A. No.

21 Q. Did you ever discuss it with
22 Mr. Allan?

23 A. No.

24 Q. Did you -- did you agree with
25 Mr. Allan that your presence at those meetings

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1 SANDRA GUZMAN-10/13/11
2 was not necessary?

3 A. No.

4 Q. Did you think you were contributing
5 to those meetings?

6 A. Yes.

7 Q. In what way?

8 A. Stories that came up. I may have
9 known some of the people and I could have made
10 phone calls regarding stories. I could have
11 met -- I could have contributed to story
12 angles. There's -- I could have contributed
13 by helping edit, by helping write. I could
14 have contributed by sourcing, researching.

15 Q. Okay, but you don't need to be at
16 the editorial staff meeting to provide
17 those -- that assistance, right? That's all
18 assistance to the actual generating of the
19 article, correct?

20 A. Well, if I'm in there and the
21 different angles are being discussed and
22 there's a potential person that I may know, it
23 would be important for me to be at those
24 meetings or potential angle to explore.

25 Q. Okay, but by that -- by that

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1 SANDRA GUZMAN-10/13/11
2 standard, Ms. Guzman, any associate at The New
3 York Post could contribute to the editorial
4 staff meetings, right?

5 A. Well, when I was first hired, I was
6 asked to contribute at that level.

7 Q. Did you give -- at those meetings,
8 did you ever give your opinion as to whether
9 or not a story should be run or not run?

10 A. I did.

11 Q. How many times?

12 A. I can't tell you how many times.

13 Q. Would you say frequently or
14 occasionally?

15 A. Occasionally. I can tell you one
16 that I remember.

17 Q. Ms. Guzman, I want to talk to you
18 about some of your personal views about
19 various topics and ask you some questions.

20 You think there are two kinds of
21 Latino men; those you only sleep with and
22 those you sleep with and talk to, correct?

23 A. Are you talking about the chapter
24 that I wrote in my Latinas Bible?

25 Q. Yes. I'm talking about -- I'm

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1 SANDRA GUZMAN-10/13/11
2 talking about statements that you have written
3 and published about your views on men, Latino
4 men and sex.

5 A. Okay. I need to see those written
6 statements so that I can explain them.

7 Q. I will show you those statements,
8 but is it the case that you believe there are
9 two kinds of Latino men, those that you only
10 sleep with and those that you sleep with and
11 talk to?

12 A. Again, I need to see the chapter I
13 wrote about relationships and I wrote about
14 dating in my book. And if you're telling me
15 that I've made these statements, I'd like to
16 see them because I don't want the statements
17 to be not explained in the context of how I
18 was referring to them.

19 Q. Well, I'm going to ask you if you
20 made in this -- I'm giving you Defendant's
21 Exhibit 17.

22 MR. LIPPNER: Take a break. Go
23 off the record.

24 THE VIDEOGRAPHER: The time is
25 5:50 p.m. We're going off the record.

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 direct vision to you. You're smirking</p> <p>3 and laughing and I find it</p> <p>4 disrespectful.</p> <p>5 Q. Ms. Guzman, you're familiar with</p> <p>6 Langan's, right?</p> <p>7 A. I am.</p> <p>8 Q. And you go to Langan's with friends</p> <p>9 after work, right?</p> <p>10 A. On occasion I did.</p> <p>11 Q. And you were at Langan's one night</p> <p>12 with Julie Frady, Mackenzie Dawson and Mandy</p> <p>13 Stadtmiller, when you, Mandy and Mackenzie,</p> <p>14 but not Julie, became competitive about your</p> <p>15 breast and nipples and then lifted up your</p> <p>16 blouses in front of a mirror to compare and</p> <p>17 show your breasts to one another?</p> <p>18 A. We were in the bathroom and we were</p> <p>19 washing our hands and it was Mandy and it was</p> <p>20 me. Mackenzie was not there. And by the way,</p> <p>21 Mandy is a comedian.</p> <p>22 Q. Isn't it a fact that you were in a</p> <p>23 conversation with them at the bar and there</p> <p>24 was a discussion about breasts and that you --</p> <p>25 the three of you went to the bathroom to</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 reveal yourself to one another and compare</p> <p>3 your breasts and nipples?</p> <p>4 A. Not the three of us.</p> <p>5 Q. Do you consider that conduct</p> <p>6 appropriate?</p> <p>7 A. It was an exchange between two</p> <p>8 colleagues and she's a comedian and it was --</p> <p>9 she's a comedian. It's sort of the way I</p> <p>10 communicated with Mandy.</p> <p>11 Q. Did you claim to have the best</p> <p>12 nipples in the group?</p> <p>13 A. I claimed to. Maybe I did. I</p> <p>14 don't remember.</p> <p>15 Q. And Mackenzie -- if Mackenzie</p> <p>16 recalls standing in front of the mirror</p> <p>17 lifting up her shirt with you and Mandy and</p> <p>18 the three of you having this contest, she's</p> <p>19 lying?</p> <p>20 A. I don't remember Mackenzie being</p> <p>21 there.</p> <p>22 Q. Could she have been there?</p> <p>23 A. I could tell you she was at the</p> <p>24 bar, but she wasn't in the bathroom.</p> <p>25 Q. You recall she was at the bar, but</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 didn't go to the bathroom with you and Mandy?</p> <p>3 A. Yes.</p> <p>4 Q. Did you go to the bathroom with</p> <p>5 Mandy to compare your breast and nipples?</p> <p>6 A. No. Mandy is a sex health writer</p> <p>7 and many of the conversations and jokes were</p> <p>8 sexually suggestive.</p> <p>9 Q. Did you tell male colleagues that</p> <p>10 you worked with after you did it that you had</p> <p>11 shown your breasts to one another?</p> <p>12 A. No.</p> <p>13 Q. When you came out of the bathroom</p> <p>14 after comparing your breasts with Mandy, did</p> <p>15 you tell anybody about what you had done?</p> <p>16 A. No.</p> <p>17 Q. So, other people that described</p> <p>18 those conversations of your telling people</p> <p>19 about it would be lying?</p> <p>20 A. I don't know what they said. I</p> <p>21 don't know what they revealed.</p> <p>22 Q. Well, they revealed all the facts</p> <p>23 that I'm asking questions about.</p> <p>24 A. Can you tell me what they said?</p> <p>25 Can you show me was there an Affidavit, a</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 document that I can read?</p> <p>3 Q. Well, Ms. Guzman, we've established</p> <p>4 that you stood in front of the mirror at a bar</p> <p>5 after work with Mandy Stadtmiller, a work</p> <p>6 colleague, and bared your breasts.</p> <p>7 MR. THOMPSON: Objection.</p> <p>8 Q. With Ms. Stadtmiller, right?</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 Objection.</p> <p>11 Q. Is that correct?</p> <p>12 A. What is the question?</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 Q. The question is: Well, Ms. Guzman</p> <p>15 we've established that you stood in front of</p> <p>16 the mirror at a bar after work with Mandy</p> <p>17 Stadtmiller, a work colleague, and bared your</p> <p>18 breasts.</p> <p>19 A. Not at the bar.</p> <p>20 Q. Well, the bathroom in the bar.</p> <p>21 A. In the bathroom.</p> <p>22 Q. And this is the same bar where you</p> <p>23 claim you were offended by seeing a picture of</p> <p>24 a naked man on a Blackberry screen?</p> <p>25 A. Shown by my boss, yes.</p>